

DHARAMPAL • *COLLECTED WRITINGS*

Volume II

CIVIL DISOBEDIENCE
IN INDIAN TRADITION

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Volume I

Indian Science and Technology in the Eighteenth Century

Volume II

Civil Disobedience in Indian Tradition

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in the Eighteenth Century

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Essays on Tradition, Recovery and Freedom

CIVIL DISOBEDIENCE IN INDIAN TRADITION

by
Dharampal

Other India Press
Mapusa 403 507, Goa, India

Civil Disobedience in Indian Tradition
By Dharampal

First published by:
Sarva Seva Sangh Prakashan, Varanasi (1971)

*This edition is published as part of a special collection of
Dharampal's writings, by:*
Other India Press
Mapusa 403 507, Goa, India.

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Cover design by Orijit Sen

Distributed by:
Other India Bookstore,
Above Mapusa Clinic,
Mapusa 403 507 Goa, India.
Phone: 91-832-263306; 256479. Fax: 91-832-263305

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ISBN No.: 81-85569-49-5 (HB) Set
ISBN No.: 81-85569-50-9 (PB) Set

Printed by Sujit Patwardhan for Other India Press at
MUDRA, 383 Narayan, Pune 411 030, India.

To
Annasaheb Sahasrabudhe

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Foreword

The ancients held that the highest form of knowledge is self-knowledge and that he who achieves that knowledge achieves all. It seems to me that the value of self-knowledge holds good for nations as well. No matter how one defines a nation—and it has not been found easy to do so—its essence seems to lie not in its outward attributes but in the mental world of those who comprise it. Of the ingredients of this inner world, the most important is self-image, that is, the image that the people comprising a nation have of themselves and their forefathers.

During the British period, the needs of imperialist rule dictated that Indians be pictured as an inferior people in respect to material, moral and intellectual accomplishments. This deliberate denigration of the Indian nation was furthered by the incapacity of the foreigner to understand properly a civilisation so different from his own. So, in course of time, as our political subjugation became complete, we happened to accept as real the distorted image of ourselves that we saw reflected in the mirror the British held to us.

Not a small part of the psychological impetus that our freedom movement received was from the few expressions of appreciation that happened to fall from the pens or lips of Western scholars about Sanskrit literature, Indian philosophy, art or science. Sometimes these foreign opinions about past Indian achievements were seized upon and inflated out of all proportions so as to feed the slowly emerging national ethos.

After the first few years of euphoria since Independence, a period of self-denigration set in during which educated Indians, particularly those educated in the West, took the lead. Whether in the name of modernisation, science or ideology, they ran down most, if not all, things Indian. We are not yet out of this period. I am not suggesting that what is wrong and evil in Indian society or history should be glossed over. But breast-beating and self-flagellation are not conducive to the development of those

psychological drives that are so essential for nation-building, nor so is slavish imitation of others.

One of the reasons for this state of affairs is lack of sufficient knowledge about our history, particularly of the people's social, political and economic life. One of the faults of our forefathers was their lack of sense of history, and their proneness to present even historical fact in the guise of mythology. As a result, even after long years of modern historical research, in India and abroad, our knowledge happens to be limited—particularly in the field of social history. Also there are long gaps or periods of darkness about which not much of anything is known. One such period was that between the decline of the Mughal power and the arrival of the European trading companies and the ultimate consolidation of British power. That period was undoubtedly one of political disintegration. Yet, the material researched by Shri Dharampal and published herein reveals the survival of amazing powers of resistance to the state in the common people—'the Lohars, the Mistrees, the Jolahirs, the Hujams, the Durzees, the Kahars, the Bearers, every class of workmen', to quote the Acting Magistrate of Benares in 1810—when, in their opinion, it became oppressive or transgressed the limits of its authority.

The behaviour of the five hundred and odd princes towards their people during British rule had created the general impression that the king in Hindu polity was a tyrant and there was no limit to his power as far as it related to his subjects, who were supposed to be traditionally docile and submissive. Foreign and Indian studies of Hindu polity, no doubt, had revealed quite a different type of relationship, which allowed even for the deposition of an unworthy king by his people. But that was considered to be a mere idealistic formulation, true more in theory than in practice. The fact that texts on Hindu polity were agreed that the king was never conceived to possess absolute power and that he was in practice limited by *dharma*, that is, the system of duties, responsibilities and privileges that had evolved through the ages and come to be accepted by all concerned, was also not taken seriously. Instances of autocratic monarchs who defied the established *dharma* and got away with it were looked upon not as exceptions but as the rule.

The material brought together by Shri Dharampal in this volume throws quite a different light on the subject. The following pages describe, in the words of the then British officers, the *mass movements* of civil disobedience at Benares, Patna, Saran,

Moorshedabad and Bhaugulpore against the imposition of new taxes on houses and shops. Shri Dharampal is quite right when he declares: 'If the dates, (1810-12) were just advanced by some 110 to 120 years, the name of the tax altered and a few other verbal changes made, this narrative could be taken as a fair recital of most events in the still remembered civil disobedience campaigns of the 1920s and 1930s.' That the events described in the correspondence published here were not exceptions, is borne out by other instances given by Shri Dharampal of similar actions that were either contemporary or of earlier times in other parts of the country.

It would appear from a perusal of the papers reproduced here that there had developed in the course of Indian history an understanding between the ruled and the ruler as to their respective rights and responsibilities. Whenever this traditional pattern of relationship was disturbed by an autocratic ruler, the people were entitled to offer resistance in the customary manner, that is, by peaceful non-cooperation and civil disobedience. It also appears that in the event of such action, the response of the ruling authority was not to treat it as unlawful defiance, rebellion or disloyalty that had to be put down at any cost before the issue in dispute could be taken up, but as rightful action that called for speedy negotiated settlement.

Such powers, and apparently well-practised methods, of popular resistance as described herein could not have sprung up suddenly from nowhere. They must have come down from the past as part of a well-established socio-political tradition. The fact these powers should have survived until the beginning of the nineteenth century even in areas that had long been under autocratic Muslim rule bears testimony to both the validity and vitality of the ancient tradition.

The saddest part of the story Shri Dharampal unfolds in the following pages tells of the conscious and calculated efforts of the British to destroy every vestige of the old tradition, which they looked upon as a continuing challenge to the very foundations of their rule. Whether it was to assert the 'dignity of the State' or for the 'maintenance of public tranquility' or for 'upholding those sentiments of respect which it appeared so essential that the community should entertain for the public authority' the traditional right of the people of peaceful resistance had to be given no quarter. The reason Shri Dharampal gives, with which I am in agreement, is the feeling the British rulers had of extreme insecurity. They could not feel safe until they had beaten

the people into a state of unquestioning obedience. The ultimate sanction they relied upon to achieve this end was military force. Thus was brought about the spiritual death of the people of this country, which the Congress Working Committee must have had in mind when in its Declaration of Independence of 1930 (which used to be reiterated at tens of thousands of public meetings every 26th of January), speaking of the fourfold ruin of India—economic, political, cultural and spiritual—wrought by the British, it pinpointed ‘compulsory disarmament’ of the people and the ‘presence of an alien army of occupation, employed with deadly effect to crush in us the spirit of resistance’ as being the means of the country’s spiritual ruin.

In an interesting and valuable section of his introduction, Shri Dharampal discusses the origins of Gandhiji’s ideas of *satyagraha* and throws some new light on the subject. A point that emerges clearly from the discussion is that the primary source of inspiration behind Gandhiji’s science of satyagraha was India’s age-old traditional ruler-ruled relationship of which Gandhiji was well aware. In view of his explicit acknowledgement in *Hind Swaraj* of his debt to that tradition, it is rather surprising that none of his biographers or commentators, while they ranged far and wide in search of the origins, gave any attention to Gandhiji’s own words. May be the reason has been that no trace having been left of the old tradition except for the observant eyes of one like Gandhiji (think of the case of the small principality in Saurashtra which he mentions in the *Hind Swaraj*), nor there being any historical evidence available of the ‘nation at large’ having ‘generally used passive resistance in all departments of life’ or of our ceasing ‘to cooperate with our rulers when they displease us’, Gandhiji’s sweeping remarks were taken as examples of his ‘usual’ idealisation of the past. But Shri Dharampal’s findings show that Gandhiji, though not a student of history, had a much deeper insight into it than most historians. Undoubtedly it was this intuitive quality that was one of the secrets of his extraordinary success as a leader of the people.

No less interesting and valuable is Shri Dharampal’s discussion of the place of *satyagraha* in post-independence and democratic India. An oft-repeated criticism of government in free India—and one which has not lost its significance by repetition—is that it adopted without change the bureaucratic machine that had originally been designed by the colonial power for purposes of economic exploitation and suppression of dissent. One of the more malignant features of that machine is its continued adherence

to the British imperialist theory that it is the duty of the people to obey first and then to protest. In fact, that view has been further strengthened by the convenient plea that the bureaucracy is no longer an instrument of an alien government but that of a democratically established national government. As a result, whenever there is a fast, a stoppage of work, a withdrawal of cooperation, the official reaction is neither talk, nor settlement until the popular action is withdrawn or put down. The consequence is that more often than not, the people concerned are driven to violent action, after which the government usually surrenders or makes a compromise. There is no doubt that *satyagraha* has often been resorted to for party-political gains, but had government conceded the right of the people to disobey and resist peacefully whatever seemed unjust or oppressive to them, a code of conduct would have evolved through the past 25 years that would have set the limits of the people's and party's action on the one hand and of the government's action on the other. The plea that in a democracy the people have the ultimate sanction of removing an unpopular government at the next general election has been effectively answered by Acharya Kripalani in the passage Shri Dharampal quotes in the introduction.

Jayaprakash Narayan

Author's Note

In 1965, during the course of a preliminary perusal of late eighteenth and nineteenth century British official material on India, I happened to read of a boycott and consequent organisational steps taken by some village communities during the 'Deccan Riots' of 1874 in the districts of Ahmednagar and Pune. The techniques employed by these village communities primarily against the money-lenders but also against all those who sided with the latter seemed essentially identical to those employed in the non-cooperation and civil disobedience movements of recent decades. Further research led me to several other apparently similar instances of nineteenth century non-cooperation and civil disobedience in different parts of India.

For me this information was wholly unexpected. It not only led to much questioning, but also persuaded me to re-read some of the writings of Mahatma Gandhi on the subject. Up to this time, like those I knew, I had taken it for granted that non-cooperation and civil disobedience were of very recent origin in India and owed their practice here to Gandhiji. Again, like many others I had also assumed that while Gandhiji had made them more perfect and effective he himself had initially derived them from Thoreau, Tolstoy, Ruskin and other Europeans. But re-reading *Hind Swaraj*, I found Gandhiji observing: 'In India the nation at large has generally used passive resistance in all departments of life. We cease to cooperate with our rulers when they displease us.'

I shared this passage of Gandhiji with a number of friends several of whom had known Gandhiji personally and had many times participated in his non-cooperation and civil disobedience movements. I found them similarly fascinated with the information I had acquired. The fascination however, to an extent, was tinged with incredulity. It seemed to many that the above observation of Gandhiji was more symbolic of his idealisation of the past than a confirmation that non-cooperation and civil disobedience had been one of the traditional modes of protest against

authority in India. The never ending repetition of claims that the ordinary people of India had from time immemorial been subservient to whoever ruled over them; that they had little or no regard for such mundane things as society or politics seemed to have had a deep impact not only on those who knew Gandhiji well and followed him into battle but equally on those who were considered hostile or even indifferent to him. Such incredulity, it seemed to me, could be met only through a more detailed search and assembling of primary material on the subject.

The documents printed in this book (pages 57-172) are the result of this search and were compiled during 1966 from the relevant judicial and revenue records in the India Office Library, London. The first hint of the events described in them, however, came to me from the brief reference to them in Dr. Sashi Bhushan Chaudhuri's book *Civil Disturbances during British Rule in India 1765-1857*.

I am thankful to the authorities and staff of the India Office Library, the West Bengal State Archives and the Gandhi Smarak Sangrahalaya, Delhi for various facilities they made available to me during this search.

Though the compilation of the documents reproduced was completed in 1966 itself, the interpretation and presentation of the whole has only been done during the past few months, through the assistance of facilities and support extended by the Gandhi Peace Foundation. Unpublished Crown copyright materials in the India Office Library and India Office Records transcribed in this book appear by permission of the Controller of Her Majesty's Stationery Office, London.

Innumerable friends have shown great interest and offered advice as well as criticism on the material and interpretations presented here. I am grateful to all of them. I am specially obliged to Bernie Horowitz, Mohammad Rafiq Khan and Radhakrishna for affording me much of their time and attention in this regard. I am also thankful to Narendra Goyal for help in the production of this book.

The documents on pages 57-172 have been arranged in the order these would have been placed by the executing authorities in Benares, etc. in relation to correspondence with the Government at Fort William (Calcutta), or the Government of Bengal in its correspondence with London. This, it is hoped, would be helpful in the understanding of the events in Benares and other towns in the order they occurred.

The documents are reproduced here in their original spellings and punctuation. In spite of all possible care, a few typographical errors may remain. These, however, do not make any substantial alteration in the meaning of the concerned passages.

July, 1971

Dharampal

INTRODUCTION

Traditionally, what has been the attitude of the Indian people, collectively as well as individually, towards state power or political authority? The prevalent view seems to be that, with some rare exceptions, the people of India have been docile, inert and submissive in the extreme. It is implied that they look up to their governments as children do towards their parents. Text books on Indian history abound with such views.

The past half century or so, however, does not substantiate this image of docility and submissiveness. Many, in fact, regret the supposed transformation. But all, whether they deplore or welcome it, attribute it to the spread of European ideas of disaffection, and most of all to the role of Mahatma Gandhi in the public life of India. According to them, the people of India would have remained inert, docile and submissive if they somehow could have been protected from the European infection and from Mahatma Gandhi.

The twentieth century Indian people's protest against governmental injustice, callousness and tyranny (actual or supposed) has expressed itself in two forms: one with the aid of some arms, the other unarmed. The protest and resistance with arms has by and large been limited to a few individuals or very small groups of a highly disciplined cadre. Aurobindo, Savarkar, Bhagat Singh, Chandrashekhar Azad (to name a few), in their time have been the spectacular symbols of such armed protest. Unarmed protest and resistance is better known under the names of non-cooperation, civil disobedience and *satyagraha*. This latter mode of protest owes its twentieth century origin, organisation and practice to Mahatma Gandhi.

In the main, there are two views about the origins of non-cooperation and civil disobedience initiated by Gandhiji firstly in South Africa and later in India. According to one group of scholars, Gandhiji learnt them from Thoreau, Tolstoy, Ruskin, etc. According to the other, non-cooperation and civil disobedience were

Gandhiji's own unique discovery, born out of his own creative genius and heightened spirituality.

The statements about the European or American origin of Mahatma Gandhi's civil disobedience are many. According to one authority on Thoreau, Thoreau's 'essay, *Resistance to Civil Government*, a sharp statement of the duty of resistance to governmental authority when it is unjustly exercised, has become the foundation of the Indian civil disobedience movement.'¹ According to a recent writer, 'Gandhi got non-cooperation from Thoreau, and he agreed with Ruskin on cooperation.'² According to yet another writer, 'Gandhi agreed with Seeley only in order to apply the lesson learned from Thoreau, William Lloyd Garrison and Tolstoy. The lesson was that the withdrawal of Indian support from the British would bring on the collapse of their rule.'³

The protagonists of the second view are equally large in number, the more scholarly amongst them linking Gandhiji's inspiration to Prahalada or other figures of antiquity. According to R.R. Diwakar, taking his inspiration from Prahalada, Socrates, etc., Gandhiji adapted 'a nebulous, semi-religious doctrine to the solution of the problems of day-to-day life and thus gave to humanity a new weapon to fight evil and injustice non-violently.' Taking note of the traditional Indian practices of *dharna*, *hartal* and *dasatyaga* (leaving the land with all one's belongings), Diwakar comes to the conclusion that 'their chief concern was the extramundane life and that too of the individual, not of the group or community', and states 'there are no recorded instances in Indian history of long-drawn strikes of the nature of the modern "general strike".'⁴ According to an analyst of Mahatma Gandhi's political philosophy, 'the Gandhian method of non-violent resistance was novel in the history of mass actions waged to resist encroachments upon human freedom.'⁵ According to another recent student of Mahatma Gandhi, Gandhian non-cooperation and civil disobedience 'was a natural growth and flowering of a practical philosophy implicit in his social milieu'.⁶

These two views are integrated in a recent introduction to Thoreau's essay, *On the Duty of Civil Disobedience*, referred to above. The writer of this introduction states:

Thoreau's essay on civil disobedience marked a significant transition in the development of non-violent action. Before Thoreau, civil disobedience was largely practised by individuals and groups who desired simply to remain true to their beliefs in an evil world. There was little or no thought given to civil disobedience for producing social and political change. Sixty years later, with Mahatma Gandhi, civil disobedience became, in addition to this, a means of mass action for political ends. Reluctantly, and unrecognised at the time, Thoreau helped make the transition between these two approaches.⁷

Other writers, like Kaka Kalelkar⁸ and R. Payne⁹ though visualising some link which Gandhiji's non-cooperation and civil disobedience had with India's antiquity, nevertheless feel, as Kalelkar does, that it was 'a unique contribution of Mahatma Gandhi to the world community.' Kalelkar, however, does visualise the possibility that the practices of *traga* (Kaka Kalelkar incidentally appears to be the only modern writer aware of the practice of *traga*.), *dharna*, and *baharvatiya*, prevailing in Gandhiji's home area, Saurashtra, may have 'influenced the Mahatma's mind.'¹⁰

Recent works on ancient Indian polity, and the rights and duties of kings or other political authorities also seem to be in some conflict with the prevalent view of the traditional submissiveness of the Indian people. According to some, the very word 'Raja' meant 'one who pleases' and therefore any right of the king was subject to the fulfillment of duties and was forfeited if such duties were not performed. Further, an oft quoted verse of the Mahabharata states:

The people should gird themselves up and kill a cruel king who does not protect his subjects, who extracts taxes and simply robs them of their wealth, who gives no lead. Such a king is *Kali* (evil and strife) incarnate. The king who after

declaring, 'I shall protect you', does not protect his subjects should be killed (by the people) after forming a confederacy, like a dog that is afflicted with madness.¹¹

Whatever may have been the ruler-ruled relationship in ancient times or the few centuries of Turk or Mughal dominance, in the late seventeenth and eighteenth century, according to James Mill, 'in the ordinary state of things in India, the princes stood in awe of their subjects'.¹² Further, according to Gandhiji, that 'we should obey laws whether good or bad is a new fangled notion. There was no such thing in former days. The people disregarded those laws they did not like'.¹³ Elaborating on the idea of passive resistance, Gandhiji stated:

The fact is that, in India, the nation at large has generally used passive resistance in all departments of life. We cease to cooperate with our rulers when they displease us. This is passive resistance.¹⁴

Giving a personally known instance of such non-cooperation, he added:

In a small principality, the villagers were offended by some command issued by the prince. The former immediately began vacating the village. (It is possible that such recourse to the vacating of villages, towns, etc., as noted by Gandhiji and as threatened in 1810-11 at Murshedabad etc., was of a much later origin than the various other forms of non-cooperation and civil disobedience described in this volume. Resort to such an extreme step as the vacating of villages etc., indicates increasing alienation of the rulers from the ruled and further a substantial weakening of the strength of the latter. Such a situation is in glaring contrast to the situation where 'the princes stood in awe of their subjects'. Though such an extreme step at times may have still worked in relation to Indian rulers who were not yet completely alienated from the ruled in Gandhiji's young days, its potential use against completely alien rulers, such as the British, must have become very small indeed.) The prince became nervous,

apologised to his subjects and withdrew his command. Many such instances can be found in India.¹⁵

It is not necessary to add that Gandhiji's discovery of civil disobedience is not just a borrowing from his own tradition. In a way it came out of his own being. His knowledge of its advocacy or limited practice in Europe and America may have provided him further confirmation. But it is the preceding Indian historical tradition of non-cooperation and civil disobedience which made possible the application of them on the vast scale that happened under his leadership.

It appears that Mahatma Gandhi as well as Mill had a more correct idea of the ruler-ruled relationship in India than conventional historians. Even without going far back into Indian history, a systematic search of Indian and British source materials pertaining to the eighteenth and nineteenth centuries should provide ample evidence of the correctness of Mahatma Gandhi's and Mill's view. Further, it would probably also indicate that civil disobedience and non-cooperation were traditionally the key methods used by the Indian people against oppressive and unjust actions of government. Even with a relatively cursory search, a number of instances of civil disobedience and non-cooperation readily emerge. These are recorded primarily in the correspondence maintained within the British ruling apparatus. For example, the Proceedings of the British Governor and Council at Madras, dated November, 1680 record the following response by 'the disaffected persons' in the town of Madraspatnam to what they considered arbitrary actions on the part of the British rulers:

The painters and others gathered at St.Thoma having sent several letters to the several casts of Gentues in town, and to several in the Company's service as dubasses, cherucons or chief peons, merchants, washers and others and threatened several to murther them if they came not out to them, now they stopt goods and provisions coming to town throwing the cloth off of the oxen and laying the dury, and in all the towns about us hired by Pedda Yenkataadry, etc: the drum has beaten forbidding all people to carry any provisions or wood to Chenapatnam alias Madraspatnam and the men's houses that burnt chunam for us are tyed up and they forbid to burn any more, or to gather more shells for that purpose.¹⁶

This tussle lasted for quite some time. The British recruited the additional force of the 'Black Portuguese', played the less protesting groups against the more vehement, arrested the wives and children of those engaged in the protest, and threatened one hundred of the more prominent amongst the protestors with dire punishment. Finally, the incident seems to have ended in some compromise.

At a much later period, reporting on a peasant movement in Canara in 1830-31, the district assistant collector wrote:

Things are here getting worse. The people were quiet till within a few days, but the assemblies have been daily increasing in number. Nearly 11,000 persons met yesterday at Yenoor. About an hour ago 300 ryots came here, entered the tahsildar's cutcherry, and avowed their determination not to give a single pice, and that they would be contented with nothing but a total remission. The tahsildar told them that the jummabundy was light and their crops good. They said they complained of neither of these, but of the Government generally; that they were oppressed by the court, stamp regulation, salt and tobacco monopolies, and that they must be taken off.¹⁷

Referring to the instructions which he gave to the tahsildar, the assistant collector added:

I have also told him, to issue instructions to all persons, to prevent by all means in their power the assemblies which are taking place daily, and if possible to intercept the inflammatory letters which are at present being despatched to the different talooks.¹⁸

He further stated:

The ryots say that they cannot all be 'punished', and the conspirators have as it were excommunicated one Mogany, who commenced paying their Kists. The ferment has got as far as Baroor and will soon reach Cundapoore. As the dissatisfaction seems to be against the Government generally and not against the heaviness of the jummabundy, speedy measures should, I think be taken to quench the flame at

once. But in this district not a cooley can be procured. The tahsildar arrived here yesterday with the greatest difficulty.¹⁹

These protests were at times tinged by violence at some point. Most often, however, what is termed as violence was the resort to *traga, koor*, etc., (which are familiar under other names) inflicted by individuals upon themselves as a means of protest. On the occasions when the people actually resorted to violence, it was mostly a reaction to governmental terror, as in the cases of the various 'Bunds' in Maharashtra during the 1820-40s.²⁰ (At what point the people reacted to terror and repression by resorting to violence is a subject for separate study.) (The violence manifest in modern movements of civil disobedience and the counter violence adopted by the authorities to deal with it require deeper investigation. According to Charles Tilly in *Collective Violence in European Perspective*: 'A large proportion of the...disturbances we have been surveying turned violent at exactly the moment when the authorities intervened to stop an illegal but non-violent action...the great bulk of the killing and wounding...was done by troops or police rather than by insurgents or demonstrators.' Commenting on this, Michael Walzer believes that 'the case is the same...in the United States.' (*Obligations: Essays on Disobedience, War, and Citizenship*, 1970. p. 32).)

Overall, the civil disobedience campaigns against the new British rulers, including the one documented in this volume, did not succeed. The reasons for this must be manifold. Partly, the effectiveness of such protests was dependent upon there being a commonality of values between the rulers and the ruled. With the replacement of the indigenous rulers by the British (whether *de jure* or *de facto* is hardly material) such commonality of values disappeared. The British rulers of the eighteenth and nineteenth century did not at all share the same moral and psychological world as their subjects. Over time, what James Mill termed the 'general practice' of 'insurrection against oppression'²¹ which had prevailed up to the period of British rule, was gradually replaced by 'unconditional submission to public authority.' In the early 1900s, it seemed to Gopal Krishna Gokhale 'as though the people existed simply to obey.'²²

II

Before we proceed further, it may be useful to make a brief reference to the way in which the governance of India was organised in the late eighteenth and the early nineteenth centuries.

Contrary to popular opinion, from 1784 onwards (if not from an earlier date), the East India Company hardly played a major role in decisions made in England about India. The job of decision making and, in many instances, even the first drafting of the more crucial detailed instructions from 1784 onwards became a responsibility of the Board of Commissioners for the Affairs of India, set up by an Act of the British legislature and composed of members of government, and was painstakingly executed by this Board till 1858. The change which 1858 brought was the elimination of the essentially clerical role of the Company and the entrusting of this task also to an expanded establishment in the office of the Board and styling the whole thenceforward as the department of the Secretary of State for India.

The supreme head of British administration in the Bengal Presidency was the Governor-General-in-Council, who functioned through the several departments of Government, initially constituted in 1785 on instructions from the Board of Commissioners for the affairs of India. The Secret, the Political, the Military, the Public, the Revenue, and the Judicial were the major departments, all operating from Fort William (i.e. Calcutta). The Governor-General-in-Council (in the absence of the Governor-General, the Commander-in-Chief acting as president) met on specific days in the week to transact business in the particular department and the decisions and orders made were conveyed to the concerned subordinate bodies or individuals by the secretary of the concerned department who attended the council and maintained its records. Besides these departments, the instructions of 1785 had also established several Boards, subordinate to the Governor-General-in-Council, usually each of these presided over by a member of the Council, to direct and superintend some of the more extensive activities of Government. The Military Board and the Board of Revenue were the two most important amongst these subordinate Boards. (Corresponding arrangements had also been instituted in 1785 in the Madras and Bombay Presidencies.)

At this period, the job of the district 'collector' (in Bengal, Behar, Benares, etc.,) was mainly concerned with matters relating to revenue assessment and collection while the superintendence

of the police and the performance of law and order functions were exercised by a separate official termed the 'magistrate' of the particular district. Ordinarily, the collector corresponded with and received his instructions from the Board of Revenue. The magistrate on the other hand corresponded with and received his instructions directly from the Governor-General-in-Council in the Judicial Department. Both the collector and the magistrate were independent and supreme in their respective spheres within their jurisdictions. It appears, however, from the nature of their respective links with the supreme presidency authority that the magistrate at this period had a slight edge over the authority of the collector. Benares, and perhaps many other districts also, further had two other independent, and superior, authorities: the court of appeal and circuit, and the military establishments. Some aspects of their mutual relationships and also differences in approach clearly come through in the documents included in this volume.

The documents in this volume, consisting of the correspondence between the various governmental authorities (These documents however do not include any correspondence on the subject of this narrative, if any such exists, between the court of appeal and circuit or the military authorities in Benares, etc., on the one hand and the Government or the Military Board at the presidency on the other.), describe a now mostly forgotten civil disobedience campaign carried out by the people of Benares, Patna, Sarun, Moorshedabad, and Bhagalpur against the British authorities during 1810-11. This is the best documented pre-Gandhian non-cooperation and civil disobedience campaign thus far uncovered. For this reason, it is being treated at some length in the pages that follow.

In 1810, on the instructions of the directing authorities in England, the Government of Bengal (Fort William) decided to levy a new series of taxes in the provinces of Bengal, Behar, Orissa, Benares and the Ceded and Conquered territories (these latter now constitute part of Uttar Pradesh). One of these, recommended by its Committee of Finance, was a tax on houses and shops. This tax was enacted on October 6, 1810 by Regulation XV, 1810. According to its preamble, the Regulation was enacted 'with a view to the improvement of the public resources' and to extend 'to the several cities and principal towns in the provinces of Bengal, Behar, Orissa and Benares, the tax which for a considerable period, has been levied on houses, situated within the town of Calcutta.' The Regulation provided for a levy of 'five per cent on the annual rent' on all dwelling houses (except the

exempted categories) built of whatever material, and a levy of '10 per cent on the annual rent' on all shops. Where the houses or shops were not rented but occupied by the proprietors themselves, the tax to be levied was to be determined 'from a consideration of the rent actually paid for other houses (and shops) of the same size and description in the neighbourhood.'

The exempted categories included 'houses, bungalows, or other buildings' occupied by military personnel; houses and buildings admitted to be 'religious edifices'; and any houses or shops which were altogether unoccupied. The tax was to be collected every three months and it was laid down that when it remained unpaid 'the personal effects of the occupant shall in the first instance be alone liable to be sold for the recovery of the arrear of tax.' Further, if some arrear still remained 'the residue shall be recovered by the distress and sale of the goods, and chattels of the proprietor.' Though appeals were admissible against unjust levy, etc., 'to discourage litigious appeals, the judges' were 'authorised to impose a fine', the amount depending on the circumstances, etc., of the applicant, on all those whose appeals 'may prove on investigation to be evidently groundless and litigious'.

The collector of the district was 'allowed a commission of five per cent' on the net receipts. Incidentally, such a commission accorded to the collectors was not unusual at this time. The collectors received similar commissions on net collections of land revenue.

The total additional revenue estimated to arise from this tax was rupees three lakhs in a full year. Comparatively speaking, this was not very large. Of the total expected receipts from the various new or additional levies enacted around this time, the house tax was to contribute around ten per cent. In relation to the total tax revenue of the Bengal Presidency for 1810-11 (Rs.10.68 crores), most of it derived from the rural areas, the house tax amount was insignificant. But taken along with the other levies imposed about this time, large portions of which fell on the urban areas, this tax became a rallying point for widespread protest.

EVENTS AT BENARES

The protest begins at Benares. As Benares was then the largest city in northern India and possibly the best preserved in terms of traditional organisation and functioning, this was most natural. Also it may have been due to the Benares governmental authorities being more prompt in taking steps towards enforcing the house tax.

The following were the main arguments against the levy of the tax, as they emerge from the documented correspondence, and from the petition of the inhabitants of Benares (rejected by the court of appeal and circuit, partly because its 'style and contents' were 'disrespectful')²³:

- (i) Former sooltauns never extended the rights of Government (commonly called malgoozaree) to the habitations of their subjects acquired by them by descent or transfer. It is on this account that in selling estates the habitations of the proprietors are excepted from the sales. Therefore the operation of this tax infringes upon the rights of the whole community, which is contrary to the first principles of justice.
- (ii) It is clear that the house tax was enacted only for the purpose of defraying the expenses of the police. In the provinces of Bengal and Behar, the police expenses are defrayed out of the stamp and other duties, and in Benares the police expenses are defrayed from the land revenue (malgoozaree). Then on what grounds is this tax instituted?
- (iii) If the Shastra be consulted it will be found that Benares to within five coss round is a place of worship and by Regulation XV 1810 places of worship are exempted from the tax.
- (iv) There are supposed to be in Benares about 50,000 houses, near three parts of which are composed of places of worship of Hindoos and Mussulman and other sects and houses given in charity by Mussulman and Hindoos. The tax on the rest of the houses will little more than cover the expenses of the Phatuckbundee. Then the institution of a tax which is calculated to vex and distress a number of people is not proper or consistent with the benevolence of Government.
- (v) There are many householders who are not able to repair or rebuild their houses when they fall to ruin and many

who with difficulty subsist on the rent derived therefrom, how is it possible for such people to pay the tax?

(vi) Instead of the welfare and happiness of your poor petitioners having been promoted, we have sustained repeated injuries, in being debarred from all advantages and means of profit and in being subject to excessive imposts which have progressively increased.

(vii) It is difficult to find means of subsistence and the stamp duties, court fees, transit and town duties which have increased tenfold, afflict and affect everyone rich and poor and this tax like salt scattered on a wound, is a cause of pain and depression to everyone both Hindoo and Mussulman; let it be taken into consideration that as a consequence of these imposts the price of provisions has within these ten years increased sixteenfold. In such case how is it possible for us who have no means of earning a livelihood to subsist?

The authorities of Benares appear to have been the first in implementing the house tax regulation. Possibly, this promptness resulted from their being better organised with regard to civil establishment as well as military support. Whatever the reasons for their speedy compliance within a mere seven weeks after the passing of the regulation the collector of Benares, as the authority responsible for levying and collecting the house tax, started to take detailed steps towards the regulation's enforcement. On November 26, he informed the acting magistrate of the steps he was taking to determine the assessment on each house and requested him to place copies of the regulation in the several *thanas* for general information. He further requested the magistrate for police support for his assessors when they began their work in the *mohallas*. On December 6, the collector gave further details to the magistrate and requested speedy assistance from the *thannadars* etc. The acting magistrate replying to the collector on December 11, informed him of the instructions he had issued but stated that for the time being he did not feel that the police should accompany the assessors. He, however, assured the collector that 'should any obstacle or impediment on the part of the house-holders be opposed to your officers in the legal execution of their duties, I shall, of course, upon intimation from you, issue specific instructions to the officers of police to enforce acquiescence.' (pp.59-60) (Page numbers here, and on the following pages, refer to the page numbers of documents reproduced later in this volume.)

The assessment having started, and meeting with instant opposition, the acting magistrate thus wrote to the Government at Calcutta on December 25:

I should not be justified in withholding from the knowledge of the Right Hon'ble the Governor-General-in-Council, that a very serious situation has been excited among all ranks and descriptions of the inhabitants of the city by the promulgation of Regulation XV, 1810. (p.60)

After giving the background he added:

The people are extremely clamorous; they have shut up their shops, abandoned their usual occupations, and assembled in multitudes with a view to extorting from me an immediate compliance with their demands, and to prevail with me to direct the collector to withdraw the assessors until I receive the orders of Government. With this demand I have not thought proper to comply. I have signified to the people that their petitions shall be transmitted to the Government but that until the orders of Government arrive, the Regulation must continue in force, and that I shall oppose every combination to resist it. By conceding to the general clamour I should only have encouraged expectation which must be eventually disappointed, and have multiplied the difficulties which the introduction of the tax has already to contend with. (p.61)

Three days later, on the 28th, he sent another report:

The tumultuous mobs which were collected in various places between the city and Secrole, on the evening of the 20th instant, and which dispersed on the first appearance of preparations among the troops, did not reassemble on the morning of the 26th and I was induced to hope that the people in general were disposed to return to order and obedience.

But in the afternoon the agitation was revived: an oath was administered throughout the city both among the Hindoos and the Mahomedans, enjoining all classes to neglect their respective occupations until I should consent to direct the collector to remove the assessors and give a positive assurance that the tax should be abolished. It was expected that the outcry and distress occasioned by this general conspiracy would extort from me the concession they required. The Lohars, the Mistrees, the Hujams, the Durzees, the Kahars, Bearers, every class of workmen engaged unanimously

in this conspiracy and it was carried to such an extent, that during the 26th the dead bodies were actually cast neglected into the Ganges, because the proper people could not be prevailed upon to administer the customary rites. These several classes of people, attended by multitude of others of all ranks and descriptions, have collected together at a place in the vicinity of the city, from whence they declare nothing but force shall remove them unless I consent to yield the point for which they are contending. (p.62)

On December 31, the acting magistrate further reported:

Several thousands of people continue day and night collected at a particular spot in the vicinity of the city, where, divided according to their respective classes, they inflict penalties upon those who hesitate to join in the combination. Such appears to be the general repugnance to the operation of the Regulation, that the slightest disposition evinced by any individual to withdraw from the conspiracy, is marked not only by general opprobrium but even ejection from his caste. (p.64)

The 'conspiracy' continued despite all efforts of the authorities. In the meantime the acting magistrate had written to the collector, as well as to the senior judge of the court of appeal and circuit who was said to have had much influence on the Rajah of Benares and other 'principal natives', to return immediately from their tours. The collector returned on January 1, 1811 and the following day he too reported to the Government at Calcutta. The acting magistrate submitted:

The combination formed against the introduction of the house tax becomes daily more extended, and has assumed a very serious appearance. The people continue to desert the city, and collect in increasing numbers at the spot, where they have resolved to remain in expectation of the orders of Government: no assurance on my part or on the part of the civil authorities at this station, has the slightest effect.

There is too much reason to apprehend that this combination extends throughout the province. The Lohars, who originally assembled for another purpose, soon took a principal part in the conspiracy and have collected here in great numbers from all parts of the province. The inconvenience suffered in consequence by ryots, threatens serious impediment

to cultivation, and multiplies the number of the discontented. At the same time, the people are integrated to persevere by the notion which prevails, that the inhabitants of other cities have engaged to conform to the issue of the struggle at Benares. (p.66)

On the same day, the collector further elaborated on the foregoing. He wrote:

I am given to understand that considerably above 20,000 persons are sitting (it may be called Dhurna) declaring that they will not separate till the tax shall be abolished. Their numbers are daily increasing from the moffusil whence each caste has summoned its brethren and adjured them to unite in the cause. If one party be more obstinate and more determined upon extending the mischief than another, the Lohars, or blacksmiths, may be so charged, for they were not only the first to convoke the assembly of their near brethren but they have far and wide called upon other Lohars to join them with the intent that no implement of cultivation or of harvest (which is fast approaching) be either made or mended, and thus that the zamindars and ryots may be induced to take part with the malcontents, in short, that the whole of the country shall directly or indirectly be urged to insist on the repeal of the tax.

With these Lohars, almost all other castes, sects and persuasions are in league and I am informed, under a most binding oath amongst each other.

At present open violence does not seem their aim, they seem rather to vaunt their security in being unarmed in that a military force would not use deadly weapons against such inoffensive foes. And in this confidence they collect and increase knowing that the civil power cannot disperse them, and thinking that the military will not. (p.71)

Referring to the links which the protest had with other towns he stated:

I have learnt from good authority that the inhabitants of Patna have written to Benares to the effect that they shall be guided by these. That being more numerous, the Benares city is better able to make exertions against the tax and if it shall succeed in procuring abrogation the city of Azimabad would become exempted of course: in like manner if the Benares city submits that Patna will immediately follow its example. (p.73)

By January 4, the situation seems to have quietened down and the acting magistrate had begun to be pleased with the result of the steps he had taken of exerting his pressure on the landholders to recall the Lohars and by the assistance he had received from a few of the 'principal inhabitants'. Yet he felt:

Much dependence however cannot at present be placed upon these favourable circumstances, for the religious orders of the people, and the men of rank and respectability, continue unalterable in their resolution, and encourage the multitude to persevere by every kind of artifice and persuasion. The principal people of every class are compelled to eject all those who are detected in attempting to withdraw from the combination. They also send forth spies in all parts of the city to seize the delinquent and I have apprehended many employed upon the service. I have of course inflicted upon such persons very severe punishment, but it does not deter others from committing similar outrages. (p.68)

By January 8, the situation appeared really to have changed to such an extent that it made the acting magistrate report 'with the greatest satisfaction' that the 'inhabitants of this city begin to be sensible of the inutility and danger of continuing in a state of insubordination to the authority of Government.' Explaining the circumstances of the 'alarming situation' which he thought he had overcome, he stated:

The people of all description, collected according to their several classes in the vicinity of the city, had bound themselves by oath never to disperse without extorting the object they were extending for, and they seemed to increase daily in numbers and resolution. They employed emissaries to convey a Dhurm Puttree to every village in the province, summoning one individual of each family to repair to the assembly at Benares. Several thousand Lohars, Koonbees, and Korees, were enticed from their houses, and collected here by the excitement. At the same time, the inhabitants continued to withdraw from the city, and even those who were unwilling were compelled to abandon their pursuits, to avoid the opprobrium and punishment denounced against all and inflicted upon many, who declined joining in the conspiracy. The individuals of every class, contributed each in proportion to his means, to enable them to persevere, and considerable sums of money were

thus raised for the support of those, whose families depended for subsistence on their daily labour. (p.69)

He further explained:

The multitudes thus assembled were abundantly supplied with firewood, oil, and provisions, while nothing in the city except grain was procurable. The religious orders exerted all their power over the prejudices of the people to keep them unanimous, and the combination was so general, that the police were scarcely able to protect the few who had courage to secede, from being plundered and insulted. (p.69)

Referring to the role of the mullahs (boatmen) he added:

Much public inconvenience was likely to arise from the mullahs being drawn into the conspiracy, the communication with the opposite bank of the river was almost interrupted and I was compelled to proclaim that every boat abandoned by the proprietor should be forfeited to Government. The mullahs in consequence soon returned to their duties. At the same time several persons of different classes employed to extend the combination were detected by the police, and punished with exemplary severity. These examples, often repeated, began at length to deter others from incurring the consequence of similar offences. (p.70)

He ended with a reference to the additional factors of 'fatigue and privations which began to be felt seriously by all' and of the effect of his advice that 'it is only by dispersing that the people can expect indulgence from the Government.' He concluded his report by stating that he had 'little doubt that in the course of a few days this combination, now no longer formidable, will be totally dissolved.' (p.70)

By now the reports of the earlier situation had reached the Government at Calcutta. The event was first noticed by the Governor-General-in-Council on January 5, when after acknowledging the receipts of the reports up to December 31 as well as the petitions which had been received from Benares, the Government observed that it did not 'discern any substantial reasons for the abolition of the tax' and thought 'it would be extremely unwise to sacrifice to riot and clamour a tax, the abolition of which is not dictated by any considerations of general policy.' After approving the measures taken by the acting magistrate, the letter from Government added:

You will of course take the same opportunity of impressing on their minds the serious evils, which they are liable to

bring upon themselves by further perseverance in resistance to the authority of Government. It may at the same time be expedient to apprise them that with every disposition to afford to the people every reasonable indulgence and to protect them in the enjoyment of every right, the Governor-General-in-Council never can yield to lawless combinations or to attempts made to enforce a compliance with their applications by tumultuary meetings and proceedings. (p.74)

The 'reasonable indulgence' to be afforded was that the people 'should be relieved' from the Phatuckbundee which they contributed, collected and defrayed for the repair of gateways and the payment of chokeydars on their own volition and according to their own arrangements, and that its expenses in future 'should be defrayed from the general resources of Government.' News of this indulgence was to be conveyed to them after consultation and appropriate arrangements with the military authorities, simultaneously to the conveying of the sentiments expressed in the foregoing passage.

On the receipt of the report of January 2, which pointed out the seriousness of the situation, the Government sent further instructions on the 7th about the manner of the use of the military force. Feeling 'that a proclamation issued by the direct authority of the Government itself may be of service in reclaiming the people' or in 'appraising them of the evils which they may bring upon themselves by a further perseverance in those lawless measures', it enclosed a proclamation leaving the discretion about the time of its use to the Benares authorities. After declaring that the Government did not 'discern any substantial reasons for repealing the provisions of that Regulation', the proclamation added that orders 'have been issued to the officer commanding the troops to support the magistrate and collector in the discharge of that duty', and concluded:

It is with deep concern that the Governor-General-in-Council feels himself obliged to warn the refractory part of the community of the serious evils, which under the foregoing orders, they are liable to bring upon themselves by a further perseverance in their present seditious conduct. The disposition of the Government to attend to all reasonable applications and to afford equal protection to all classes of people is universally acknowledged but it never can be induced to forego what it has deemed a just and reasonable exercise of its authority in consequence of unlawful combination and tumult. (pp.76-7)

Between January 7, the date of the proclamation, and January 11 (as reported in their Revenue letter of February 12, 1811 to the directing authorities in England), it appeared to the Governor-General-in-Council 'on mature consideration that the tax was susceptible of some modifications as calculated to obviate any just grounds of complaint on the part of those classes of the people, who from their situation in life, were most liable to be affected by its operation.' Consequently, on receipt of the somewhat encouraging report of January, 4 from the magistrate, the Government through their two letters of the 11th drew the attention of the Benares authorities to the section pertaining to religious edifices and further decided to exempt the 'dwellings of the lowest orders of the people' whose 'produce from the very inconsiderable value of the buildings could not be an object to Government.' With regard to the conveying of the news of these indulgences to the people it added:

Previously to communicating the present orders to the different classes of the people, who may be benefitted by their operation you will naturally consider in what mode it can be done, without compromising the public authority or weakening the sentiments of respect which it is so essential that the community should feel, especially at the present juncture, for the Government. (p.79)

The instructions in conclusion added:

His Lordship-in-Council would hope that the people may have shown themselves deserving of the indulgence proposed to be extended to them by the relinquishment of their late seditious and criminal designs and by a just submission to public authority. (p.79)

Government orders of January 5, wholly rejecting the petitions, were communicated to the people of Benares on the 13th. From the 14th 'people began again to collect together.' By now the Government proclamation of the 7th had reached Benares and 'thinking that it would be of service in reclaiming the people from their unjustifiable proceedings', the acting magistrate, as he reported to Government on the 18th, 'proposed to publish it.' The officer commanding the troops however 'did not consider himself in a state to afford' the support required till he had received reinforcements from Lucknow. By now the orders of Government of the 11th (excusing religious edifices, etc., from the payment of the tax) had also reached the Benares authorities, but the acting magistrate felt: 'As long as the people persevere in these

unjustifiable proceedings, they are totally undeserving of indulgence, and it is impossible to communicate to them the benevolent intentions of the Government.' (p.81)

Two days later, on the 20th, the magistrate reported 'little alteration' in the situation and saw 'little reason to hope for any very favourable change.' He was anxious for the additional force to arrive, so that he 'may carry into effect the orders of Government' particularly as he felt, 'it becomes everyday an object of greater importance to disperse the people, and compel them to put an end to their seditious and unwarrantable proceedings.' He further added:

I cannot but feel very forcibly, that such a state of things being permitted to continue in defiance of public authority, has already weakened, and weakens daily still more and more, those sentiments of respect, which it is so essential that the community should entertain for the government of the country. (pp.85-6)

In the same letter he reported:

Soon after the resolution of Government not to rescind Regulation XV, 1810 was promulgated, inflammatory papers of the most objectionable tendency appeared placarded about the streets. I have the honour to enclose copies of two of these papers to be laid before the Government. I have offered a reward of 500 Rs. for every man on whom such a paper may be found, and hope that this will not be thought more considerable than the nature and exigency of the case required. (p.85)

The massive measures taken by the authorities had, however, begun to erode the unity and confidence of the people and the despondency of the magistrate was rather misplaced. Within a few days of the foregoing report, the impact of the various efforts of the Benares authorities became apparent. As the magistrate reported later, the people had proposed 'to proceed in a body to Calcutta, through all the cities subject in common with themselves' to the house tax, and that, 'they determined that the proprietor of every house in the city should either go himself, or send a person to represent him, or contribute, in proportion to his means, to defray the expenses of those who might be disposed to go.' But he explained:

When it came to the point, few were found disposed to undertake a journey on which they were likely to be obstructed, nor were they willing to contribute to promote a

scheme, the object of which, they were fully convinced, would never be accomplished. (pp.86-7)

Meanwhile, another petition, presented this time to the court of appeal and circuit, brought the verdict:

This petition has been presented on the part of the people who are determinately engaged in mobs and assemblies contrary to the regulations, which is highly improper, also the style and contents of this petition are disrespectful which is an additional reason for not allowing of it. (p.90)

All these developments, according to the magistrate, led to dissension, withdrawal of support and consequently to a general breakdown of the people's morale. In such a situation the services of some 'old and faithful public servants' created further embarrassments for the people and ultimately made them seek, through the medium of the Rajah of Benares, 'the indulgence of the Government.' Yet though the people had been humbled, the situation was far from normal. The acting magistrate in his report of January 28, therefore, suggested 'a general pardon', particularly 'as the hearts of every man in this city are united with them' and as 'enough perhaps had been already done for the support of the public authority.'

Taking note of the report of the acting magistrate, the Government on February 4, expressed its 'great satisfaction' at the submission of the people, gave highest approbation to the conduct of the acting magistrate; decided to bestow *khelaouts* on persons who had supported the Government cause; and agreed to the suggestion of the magistrate that the Phatuckbundee should remain undisturbed and in place of the earlier order of Government, remission of an amount equal to its collection may be allowed from the assessment of the tax on houses and shops to those who contributed to the Phatuckbundee. Disagreeing with the general pardon suggested by the magistrate, the Government stated:

The Governor-General-in-Council does not discern any substantial grounds for granting a general pardon to the people of Benares for their late unwarrantable and seditious proceedings. On the contrary, His Lordship-in-Council is of opinion, that public justice and obvious expediency of preventing by seasonal examples the recurrence of such evils in future, require that the persons, who have been chiefly instrumental in exciting the late disturbances, should be regularly brought to trial for that offence. (p.91)

At the same time, it instructed the acting magistrate that 'the prosecutions need not be numerous.'

Meanwhile, the humbling process, initiated through the Rajah of Benares and the other 'loyal' and 'faithful public servants' went further. On February 7, the acting magistrate forwarded to the Government a petition, presented to him by the Rajah of Benares in the name of its inhabitants. This he described as an 'ultimate appeal' by means of which the petitioners, in the words of the petition, 'present themselves at last before His Lordship-in-Council' and 'humbly' represented that disobedience 'was never within our imagination.' Instead, they added, 'in implicit obedience' to the proclamation of the magistrate of January 13 'as to the decree of fate, we got up, and returned to our homes, in full dependence upon the indulgence of the Government.'

The Government however still did not 'think proper to comply with the application of the inhabitants' to a 'greater extent than will be done' by the operation of its orders of January 11. This order of Government, along with the information of the earlier modifications, was conveyed a week later, on February 23, to the Rajah and principal inhabitants of Benares by the magistrate, who in his proclamation to the inhabitants of Benares, of the same date, concluded with the view, 'that no ground now remains for the complaint or discontent.'

The people in general, notwithstanding their having submitted to the orders of Government 'as to the decree of fate' as stated in their petition submitted through the Rajah of Benares, did not share the magistrate's view and exhortation. Nearly a year later, on December 28, 1811, the collector reported:

At an early period I directed my native officers to tender to all the householders or tenants whose houses had already been assessed, a note purporting the computed rate of rent of each house, and the rate of tax fixed; and I issued at the same time a proclamation directing all persons who had objections of any nature to offer to the rates of rent or tax mentioned in such note to attend and make known the same that every necessary enquiry might be made and all consistent redress afforded. In the above mentioned proclamation, I fixed a day in the week for specially hearing such cases and repaired to the city for that purpose. Neither would any householders or tenants receive such note nor did any one attend to present petition or offer objection.

The most in sullen silence permitted the assessors to proceed as they pleased rigidly observing the rule to give no information or to answer any questions respecting the tax; in determination that they would not in anywise be consenting to the measure, that the assessors might assess and the executive officers of the tax might realise by constraint of personal or real property; they could not resist but they would not concur. (pp.99-100)

But, as a consolation for the authorities the collector added:

A few exceptions were found in some of the principal inhabitants of the city either in the immediate employ of Government or in some degree connected with the concerns of Government or otherwise individually interested in manifesting their obedience and loyalty. These persons waited on me and delivered in a statement of their houses and premises and the actual or computed rent of the same and acknowledged the assessment of tax.' (p.100).

Yet such exceptions did not seem to console much and in concluding his report, the collector 'strenuously' urged 'as an indispensable measure of precaution, that no collection be attempted without the presence of a much larger military force than is now at the station. (p.101)

Such withholding of concurrence and cooperation was apparent even earlier in February. While forwarding the 'ultimate appeal' of the inhabitants, the acting magistrate had stated:

I believe the objection which they entertain against the measure in question, is pointed exclusively at the nature and principle of the tax, and not in the least at the rate of assessment by which it will be realised. The inhabitants of this city appear to consider it as an innovation, which, according to the laws and usages of the country, they imagine no government has the right to introduce; and that unless they protest against it, the tax will speedily be increased, and the principle of it extended so as to affect everything which they will call their own. Under the circumstances, I fear, they will not easily reconcile themselves to the measure. (p.93)

EVENTS AT PATNA

Now to turn to the other towns. As stated by the Benares collector in his letter of January 2, the inhabitants of these other towns seemed to have been watching the events at Benares. On January 2, the magistrate of Patna forwarded 12 petitions regarding the house tax from the city's inhabitants, the Government informing him on the 8th of their rejection, but cautioning the magistrate to use 'gentle and conciliatory means' in stopping the inhabitants from convening meetings or petitioning 'while the discussion is depending at Benares.' It however instructed him to use the various means he possessed under his general powers and instructed him to report without delay to Government any 'tumultuary meetings' or 'illegal cabals.'

EVENTS AT SARUN

A week later (January 9) it was the turn of the Sarun magistrate to write to Government; he not only forwarded a petition from the inhabitants but stated:

When the collector deputed assessors to arrange the assessment a still greater degree of alarm was created; and notwithstanding all I could do all the shops of every description were actually shut up, and there was every indication of some very serious disturbances taking place. (p.103)

Explaining his reasons for suspending the making of the assessment, he added:

As there is no military force at this place, and I was apprehensive of acts derogatory to the authority of Government being committed, I was induced to request the collector to suspend the arrangement of the assessment till I could receive instructions from Government. (p.103)

The instructions from Government 'that no encouragement may be given to the inhabitants of Sarun to expect any general relinquishment of the tax' except what had been determined as modifications on January 11, were sent on January 18. The Government further observed:

The Governor-General-in-Council is unwilling to believe that the inhabitants of Sarun will attempt to offer any open resistance to the establishment of the tax. (p.104)

Notwithstanding such belief it directed:

Should circumstances however render it actually necessary, you will of course apply to the officer commanding the troops at Dinapore for such military force as may be requisite to support the public officers in giving effect to the regulations and orders of Government. (p.104)

EVENTS AT MOORSHEDABAD

Similar sentiments and exhortations and instructions were repeated on March 2 in the case of Moorshedabad, but the situation here was more serious. On February 25, while enclosing two petitions from the inhabitants the magistrate reported:

Rumours of a combination among the principal merchants to avoid, rather than oppose the tax, by withdrawing from their houses, reached me some days ago. The plan was carried into execution by some of the leading men, and by more of inferior note, but I am happy to add, that I have prevailed on them to return to their houses. (p.105)

Finding 'that the disposition to leave the city was gaining ground,' he wrote, 'I have deemed it my duty, objectionable as the language is, to forward' the petition, and 'in return for this concession those Mahajans who had taken up their residence in the fields, promised to return to their homes.' The objectionably worded petition stated:

By the blessing of God, the English Gentlemen know, that no king of the earth had oppressed his subjects, and the Almighty preserves his creatures from harm...For some years it has been our unhappy fate to suffer both from affliction and oppressions. First from the prevalence of sickness for several successive years, the city has been depopulated, so much so, that not one half of the inhabitants remain...The oppression of the Town Duties and Customs is so great, that property of the value of 100 Rs. cannot be purchased for 200, the rate of duty is increased two-fold and even fourfold, and if any one wish to remove property from the city to its environs, he cannot do it without the payment of a fresh duty...Fourth, order has been passed for levying a tax on houses and shops, which is a new oppression...the order of the Government has in truth struck us like a destructive blast. (pp.106-7)

Concluding his report, the magistrate added: 'The discontent caused by the house tax is, I am convinced to add,

very deep and very general, for it extends over all ranks and descriptions of people.' He therefore solicited the Government's instructions 'in the event' of 'its breaking out into a ferment.'

There seems to have been no actual breakout of the discontent as feared by the magistrate of Moorshedabad. But as revealed at the time of the events in Bhagalpur, neither was there any collection of the tax anywhere till seven months later. On October 19, the subject was reopened for another consideration through a letter to the Government from a retiring senior member of the Board of Revenue who simultaneously operated as secretary to the Judicial and Revenue Departments and was a party to all the foregoing orders and instructions being issued under his signature. Referring to the house tax, he wrote:

From the experience hitherto obtained on the subject, it appears clear that the tax cannot be an object to Government except at the city and suburbs of Calcutta. At other places, (at least at the cities) I am led to believe, from all that I have heard on the subject, that a considerable degree of irritation still prevails on account of the tax, and that years must elapse before that irritation will altogether subside. (p.143)

Consequently, as this implied 'the sacrifice of 2 or 3 lacs of rupees' only, he suggested the discontinuation of the tax to 'conciliate the affection of the large bodies of people.' The suggestion was accepted by the Government on October 22, and it informed the Board of Revenue:

The Vice-President-in-Council is satisfied at the expediency of abrogating the tax on houses established by Regulation XV, 1810 and with that view is pleased to direct, that in the first instance the process of assessment at the stations where it may not have been completed be stayed and that the collection of the tax where it may have been commenced be stopped, with exception however of any places at which commotions originating in a resistance to the operation of the tax, may exist at the period of the receipt of the present orders. (p.144)

It further called for reports from the district collectors on the situation in their districts to be submitted to the Government, 'who on the receipt of them will pass orders for the final abrogation of the tax, unless the existence of any open oppositions should render it necessary either wholly or partially to enforce the collection of it.'

EVENTS AT BHAGALPUR

Great opposition to the tax was however manifested in Bhagalpur at this time. On October 2, the collector of Bhagalpur reported:

The day before yesterday, being Monday, the 30th September, the collection was to have commenced but on the appearance of the *tahsildar*, they one and all shut up shops and houses. Yesterday, the officers of Government were unable to make any progress in their business, and in the evening while I was driving out in my carriage, several thousands of the inhabitants were standing on either side of the road. They neither committed nor offered any violence, but poured forth complaints of the hardness of their situation, and clamorously declared their inability to pay the tax. (p.109)

This was further corroborated by the magistrate, in his letter to Government on the following day. After detailing the facts of the shutting of the shops, the magistrate stated:

I consequently yesterday morning summoned the principal people before me and explained to them the impropriety of their conduct and how useless it was for them to resist the orders of Government. They however declared in a body that they would give up their houses, and leave the town, but never would consent voluntarily to pay the tax, the nature of which had not even been explained to them. (p.112)

The magistrate, however, added that notwithstanding their opposition, 'they were ready to pay it whenever the collections should commence at Moorshedabad', or any adjacent zillah and he, therefore, deemed it advisable to ask the collector to suspend the collection for a few days. The collector resenting the interference of the magistrate, and thinking that the magistrate's setting himself, 'against its operation in its very first stage, because a lawless rabble assembles, is striking at the root of that power, which the Government ought to possess over the subject', sought the guidance of the Government. The Government in its deliberations on the subject of October 11, concurred with the collector and expressing its 'disapproval' of the conduct of the magistrate felt that the steps he had taken in suspending the collection of the tax was 'naturally calculated to excite a combination among the inhabitants of Bhaugulpore, and the inhabitants of Moorshedabad, Patna and other places.' It ordered the magistrate

to ‘withdraw the order forthwith’ in ‘the most public manner possible’ and ‘to afford every aid and support to the collector’ in ‘regard to the collection of the house tax.’ (pp.113-4)

The order reached Bhagalpur around October 20. At 10 p.m. on the 21st, the collector informed the Government:

I am sorry to acquaint you that in carrying into execution the collection of the house tax I was this evening most grossly assaulted in my carriage. Bricks, stone and every description of offensive missile was hurled at my head.

I am most severely cut in my face, and in my head: and had I not affected my escape into Mr. Glass’s house, nothing on earth could have saved my life. (p.114)

The account of this particular incident as reported by the magistrate and by his assistant, the later acting magistrate, was wholly different. In his letter of November 15, the magistrate stated that he had ‘every reason to believe (and this is also the opinion of the other gentlemen in the town), that had he [i.e. the collector] not irritated the mob, by flogging them, the assault never could have taken place’, and further that the collector ‘deviates from the truth’ when he stated to the Government that ‘he was assaulted in carrying into execution the collection of the house tax.’ Such statements at this stage, however, appeared to the Government ‘as taking advantage of a mere inaccuracy of expression employed in the preparation of a hurried and urgent despatch.’

Even the belated recognition of ‘a mere inaccuracy of expression’ did not exist on the day the Government at Calcutta received the express communication of the collector reporting the assault on himself ‘in carrying into execution the collection of the house tax.’ It immediately adopted a detailed resolution recalling its earlier order of October 11, and suspended the magistrate, as it felt ‘that the native inhabitants of Bhagalpur would not have ventured to offer the insults and outrages, described in the foregoing letter, to the collector and in his person to the Government itself, had the magistrate’ adopted ‘necessary precautions for the maintenance of the public peace and for the due support of the collector’ with ‘regard to the collection of the house tax.’ It further decided, as it informed the directing authorities in England on October 29, 1811, ‘to depute an officer of greater firmness and activity to take charge’ of the magistrate’s office and desired the person so deputed to ‘make it an object of his particular attention to enforce payment of the tax.’ This direction,

incidentally, as stated previously, had four days earlier been preceded with the Government's view of the expediency of abrogating the tax. Finally, it requested the military authorities to arrange the sending of additional military force to Bhagalpur 'with the view of supporting the collector and the officers of police in the discharge of their public duty', if felt necessary by them.

The resolution of the Government was of little consequence to the immediate events at Bhagalpur, as it did not reach the local authorities before the people's protests were put down. Yet the overcoming or crumbling of 'opposition or resistance' had caused considerable headache and anxiety to the local authorities. Some of it arose from the divergent views held by the collector and the magistrate about how to handle the situation: the collector stood for effective and 'vigorous effort in support of the authority of Government', while the magistrate, who had actual responsibility for police and military action, tended to follow a quieter and somewhat less violent course.

Regarding the meetings of the people on the 22nd, the magistrate reported on the 24th:

[I] sent for some troops to meet me at Shahjunghy, whither I proceeded after waiting a short time to allow them to arrive. We there found about eight thousand persons assembled, but totally unarmed. The principal of them kept in the centre of the crowd so that it was impossible to apprehend them, and as I was informed on the spot were performing funeral ceremonies. They, however dispersed after having been repeatedly told that if they remained they would be fired at. They then requested permission to present a petition the next morning which I agreed to receive giving them fully to understand that the collection of the tax would not be suspended, nor the petition received unless presented to me in court in a regular and respectful manner. After the dispersions there remained a numerous rabble consisting partly of weavers and other artificers, the rest old women and children. I spoke to some of them who expressed an apprehension that if they began to disperse those who remained last would be fired upon. But on being assured that this would not be done they agreed to disperse, left the place at the same time we did, and returned respectively to their houses. (pp.122)

Further, the commanding officer of the Hill Rangers stated:

'When the principal people retired last evening, the remaining part of the mob, women and their children seemed to have no dread of the consequence of firing among them, but rather sought it.' He advised the magistrate to have 'all the desirable force' present when the people came to present the petition, or 'better not to receive them' but 'to desire that their *arzee* may be sent to you when you can act accordingly.' Next day, the magistrate reported to the Government that he 'had no account of the petition mentioned the evening before.' On the evening of the 23rd, restraint with the support of the military was resorted to and as the collector reported 24 hours later 'last night's transaction has indeed changed the face of things.' Meanwhile, the magistrate had also taken other measures and further requested the magistrates of adjacent districts to prevent 'people proceeding from your district to Bhaugulpore in bodies exceeding the number of ten and to intercept all arms which may be supposed to be intended for Bhaugulpore', and further 'to intercept all native communications of a suspicious tendency and forward the same' to him. Some confusion, however, arose soon after this pacification. Following the resolution of the Government of October 22, regarding its intention of suspending the collection of the house tax, the Board of Revenue had informed the Bhagalpur collector to discontinue the collection. Such instruction to Bhagalpur evoked strong censure from the Government, and the collection of the tax was resumed.

In January 1812, it was reported that the European residents of Bhagalpur declined to pay the house tax. As it was felt by Government that they were in no respect 'implicated in the circumstances which rendered the continuance of the house tax necessary at that station', the collector was instructed not to enforce payment of the house tax from the Europeans residing in that district. Still earlier, the European residents from the suburbs of Calcutta had also refused payment of the tax and the advocate-general opined that he was doubtful if it could be enforced on them through restraint of property. Consequently, its operation from the suburbs of Calcutta, where the Government had earlier intended to continue it even after its abrogation in other cities and towns, was also suspended. While communicating this order on January 21, 1812, the Government further informed the Board of Revenue that 'the Governor-General-in-Council has it in contemplation to pass a Regulation for abolishing Regulation XV, 1810.' The abolishing Regulation was passed on May 8, 1812, as Regulation VII, 1812.

The first intimation of the protests arising from the imposition of the house tax was conveyed to the directing authorities in London by the Bengal Government through its Revenue letter of February 12, 1811. Its receipt and consideration led to the preparation of Draft No.218 of 1811-12 on May 23, 1812. A passage in the original draft (which was expunged by the Board of Commissioners for the Affairs of India in the final stages, only for the reason that it became redundant due to the intended abrogation of the house tax), ran as follows:

Having most attentively and seriously deliberated upon the subject, as you must be convinced from the present discussion, we should have felt inclined to direct the abolition of the house tax. But from an apprehension we entertain that this measure might be mistakenly considered as originating in a disposition on the part of your Government to yield to the influence of popular clamour...we are willing therefore to hope that under the modifications which you had it in contemplation to adopt...the same has, since the date of your letter been quietly collected. (pp.170-1)

This passage further stated:

But if notwithstanding these modifications...it has continued to be obnoxious...we think you ought to adopt the most speedy measures for its repeal, and which you think it will be possible for you to carry into execution, without compromising in too conspicuous a manner the authority of Government. (p.171)

But there was really little need for communicating such sentiments to Calcutta. The Government in Calcutta had a similar view and wholly shared the sentiment that any 'repeal' of the tax should only be carried 'into execution, without compromising in too conspicuous a manner the authority of Government.' Months before London prepared and considered the relevant dispatch, the Revenue letter from Bengal of December 14, 1811 had stated:

Arguments indeed were not wanting for the continuance of the tax, founded on the necessity of supporting the authority of Government and repressing the spirit of resistance which had been manifested to the exercise of its legitimate powers. The inhabitants of Benares however had long ago yielded an unconditional submission to public authority; and exclusively of that consideration it will be observed, that we neither intended to proceed to the

immediate abolition of the tax, nor to extend the benefits of that measure to any place at which (to use the terms of our instructions to the Board of Revenue) ‘commotions originating in a resistance to the operation of the tax might exist at the period of the receipt of these orders’. (p.157)

III

This story of the 1810-11 protest in Benares and other towns, as it emerges in more vivid detail from the documents, seems not really very different from what has happened during the non-cooperation and civil disobedience movements of the 1920s and 1930s in different parts of India. It may, however, be worthwhile here to recapture the main elements of the 1810-11 happenings at Benares and other places.

The immediate cause of the protest was the levy of the house tax. Yet unhappiness and revulsion had been simmering for a considerable time previous to this levy. By 1810, these areas had been under British domination for about 50 years and the people in general (whether at Benares, Bhagalpur or Murshedabad) had begun to be apprehensive of the doings of Government. As stated by the people of Benares, the levy of the house tax felt ‘like salt scattered on a wound.’ The people of Murshedabad felt it like ‘a new oppression’ and stated that it had ‘in truth struck us like a destructive blast.’

The main elements behind the organisation of civil disobedience at Benares were:

1. Closing of all shops and activity to the extent that even ‘the dead bodies were actually cast neglected into the Ganges, because the proper people could not be prevailed upon to administer the customary rites.’ (p.62)
2. Continuous assemblage of people in thousands (one estimate²⁴ puts the number at more than 200,000 for many days) sitting in *dhurna*, ‘declaring that they will not separate till the tax shall be abolished.’ (p.71)
3. The close links made by the various artisans and craftsmen with the protest through their craft guilds and associations.

4. The *Lohars*, at that time a strong and well-knit group, taking the lead, calling upon other *Lohars* in different areas to join them. (p.71)
5. A total close-down by the *Mullahs* (boatmen). (p.70)
6. The assembled peoples who ‘bound themselves by oath never to disperse’ till they had achieved their object. (p.69)
7. The dispatch of emissaries ‘to convey a *Dhurm Puttree* to every village in the province, summoning one individual of each family to repair to the assembly at Benares.’ (p.69)
8. ‘Individuals of every class contributed each in proportion to his means to enable them to persevere’, and ‘for the support of those, whose families depended for subsistence on their daily labour.’ (p.69)
9. ‘The religious orders’ exerting all their influence to keep the people ‘unanimous.’ (p.69)
10. ‘The combination was so general, that’, according to the magistrate ‘the police were scarcely able to protect the few who had courage to secede, from being plundered and insulted.’ (p.69)
11. The displaying of protesting posters about the streets of Benares. The magistrate called them ‘inflammatory papers of the most objectionable tendency’ and ‘offered a reward of Rs.500 for every man on whom such a paper may be found.’ (p.85)

Regarding the people’s own view of the unarmed resistance they had put up, the collector reported: ‘Open violence does not seem their aim, they seem rather to vaunt their security in being unarmed in that a military force would not use deadly weapons against such inoffensive foes. And in this confidence they collect and increase, knowing that the civil power cannot disperse them, and thinking that the military will not.’ (p.71) The taking of such steps seems to have come to them naturally. Further, their protesting in this manner in itself did not imply any enmity between them and state power. It is in this context that the rejected petition quoted some prevalent saying: ‘to whom can appeal for redress of what I have sustained from you, to whom but to you who have inflicted it.’ The concept of ruler-ruled relationship which they seem to have held, and which till then had perhaps been widely accepted, was of continuing interaction between the two. Such a dialogue seems to have been resorted to whenever required, and its instrumentalities included all that the people of Benares employed in this particular protest.

It was, perhaps, only belatedly that the people of India began to comprehend the futility of such traditional protests in relation to authorities wholly subscribing to an alien value system and who thus had nothing in common with themselves. Such a realisation on the one hand, would have made them turn to violence; and on the other, reduced them more and more to passivity and inertness.

The happenings at Patna, Saran, Murshedabad (though seemingly of lesser intensity) and at Bhagalpur appear to be of the same nature and similarly conducted as at Benares. Even at Bhagalpur, where the collector, seemingly forgetting where he was, began to mete out summary justice in the manner of contemporary British justices of the peace, the people, though enraged, remained peaceful. They continued assembling in thousands, totally unarmed and even the 'women, and their children seemed to have no dread of the consequences of firing among them, but rather sought it.'

If the dates, (1810-12) were just advanced by some 110 to 120 years, the name of the tax altered and a few other verbal changes made, this narrative could be taken as a fair recital of most events in the still remembered civil disobedience campaigns of the 1920s and 1930s. The way the people organised themselves, the measures they adopted, the steps they took to sustain their unity and the underlying logic in their minds from which all else flowed are essentially similar in the two periods. (It is by no means implied here that there are no differences at all between the non-cooperation and civil disobedience in 1810-11 and what is termed as "Satyagraha". To an extent the concept of satyagraha, since this term was coined by Mahatma Gandhi has become more and more involved. For many, it cannot be resorted to be by any who have not been trained to an ashram life etc. But ordinarily satyagraha can only mean non-cooperation and civil disobedience of the type resorted to in Benares in 1810-11. And when Gandhiji recommended to the Czechs and the Poles to resort to satyagraha, it could only have been this Benares type of protest (suitably modified according to their talents) which he had in mind)

There is one major difference, however. While the people in 1810-11 could still act and move on their own, the people of India a century later could not. The century which intervened between the two (or a larger or shorter period for some other areas) wholly sapped their courage and confidence and, at least on the surface, made them docile, inert and submissive in the extreme. It is this condition which Gandhiji overcame to put the people back on the path of courage and confidence.

A contributory factor leading to the extensive adoption and success of Gandhian non-cooperation and civil disobedience has perhaps been the relative mellowness and a certain reflective quality which the twentieth century British rulers had acquired by the time Mahatma Gandhi came to launch his various movements. His own personality may have further added to this reflective quality inducing many of the British in their more private moments to share his views about the great injury which British rule had done to the Indian people. In contrast, the British rulers of the late eighteenth and the nineteenth century were by and large, not only the agents of a most callous and inhuman state system, but individually and collectively subscribed to and practised such callousness and inhumanity. What primarily brought about the change and the comparatively mellower attitudes is a matter for a different enquiry.

IV

The story of the 1810-11 protests at Benares and other towns does not necessarily include every form of protest resorted to by the Indian people in relation to governmental or other authority. A more systematic exploring of eighteenth and early nineteenth century primary records (as well as records of still earlier periods—if such exist) may well disclose several other forms of protest and their principal features. Yet it should establish beyond any doubt that the resort to non-cooperation and civil disobedience against injustice etc., are in the tradition of India. It also confirms Gandhiji's observation that 'in India the nation at large has generally used passive resistance in all departments of life. We cease to cooperate with our rulers when they displease us.' It further suggests that either intuitively or through knowledge of specific instances, Mahatma Gandhi was very much aware of such a tradition.

Does the knowledge that non-cooperation and civil disobedience are in the tradition of India have any relevance to present day India? It appears to the present writer that there is such a relevance both for the people as well as governments and other authorities. A realisation of it in fact seems crucial in the sphere of people-government relationship, and its acceptance imperative for the health and smooth functioning of Indian polity even today.

Before proceeding further, it is useful to indicate two major characteristics of the present polity which India has inherited

from two centuries of British rule. The first pertains to the persistence of eighteenth and nineteenth century British notions and attitudes regarding the place of the people *vis-a-vis* their governments.

As the documents show there is frequent expression by the governmental authorities in 1810-11 of the sentiments that the people must give 'unconditional submission to public authority'; that the Government must not seem 'to yield to the influence of popular clamour'; that if Government had to yield, it must be 'without compromising in too conspicuous a manner the authority of Government.' To the Bhagalpur collector, even the postponing of the collection of the tax 'because a lawless rabble assembles, is striking at the root of that power, which the Government ought to possess over the subject.' The magistrate of Benares expressed a similar sentiment with even more anguish when reporting the situation on January 20, 1811. He wrote: I cannot but feel very forcibly, that such a state of things being permitted to continue in defiance of public authority, has already weakened, and weakens daily still more and more, those sentiments of respect, which it is so essential that the community should entertain for the government of the country.' Such notions and sentiments are still enshrined in the rules, codes and laws of Indian Governments.

Secondly, in spite of Mahatma Gandhi, the revival of courage and confidence has not been equally manifest amongst all people of India. As appearances go, many seem to have hardly been touched by it. Or perhaps, after an initial flicker of hope, like the people of Benares after they had been cowed down, they too have given in to 'sullen silence', feeling that though 'they could not resist but they will not concur.'

Since 1947, a controversy has been going on in India about the relevance of non-cooperation and civil disobedience in a free country. It seems to agitate all those concerned with the problems of Indian polity, including those who stand for social and political transformation or accelerated change. According to one view, there is no place for non-cooperation and civil disobedience in a free country with representative legislative bodies. According to another, these may still be resorted to in certain well-specified situations. The situations which qualify for such resort are also a matter of controversy. According to some, the permissibility applies only when resorted to enforce accepted norms. Others feel that it is permissible to resort to non-cooperation and civil disobedience for advocating the changing of certain norms themselves.

But this is really no new controversy. It started at the same time that the idea of non-cooperation and civil disobedience was revived in India early in this century. Besides men in the governmental apparatus, those who opposed it then included persons like Srinivas Sastri and Rabindranath Tagore. Sastri felt he could not but be apprehensive of 'any movement which has the tendency to over throw, the tendency to disestablish, the tendency to bring about a stage of anarchy in the country, the tendency which destroys law, the tendency which destroys order and ordered government.'²⁵ Tagore regarded it as inconsistent with the dignity of India and was fearful of the dangers inherent in its practice.²⁶

The most vehement and argued opposition to it, however, was voiced by R.P. Paranjpye in his presidential address at the Indian National Liberal Federation at Lucknow on December 26, 1924. As it is very revealing of the thinking and attitudes opposed to non-cooperation and civil disobedience, it may be quoted here at some length. Paranjpye stated:

The idea of civil disobedience as the highest form of patriotism that is being implanted among a large number of semi-educated people is perhaps the most mischievous feature of the present extremist propaganda. Under the names *satyagraha*, non-cooperation or civil disobedience, it is being sedulously advocated all over. The deleterious effects are already being seen...It inevitably leads to outbursts of violence whether on one side or the other...It may perhaps provide occasionally a suitable handle against government but the effect on the people is permanent. Respect for law and order disappears once for all and all the criminal elements in the population are led to think that they are becoming patriotic by imitating the so-called patriots in their actions. It must be remembered that this want of respect for law and order on the part of the masses will continue even if all the ideas of the Mahatma, Maulvis, or Deshbandhus are fully achieved. They will find, when they are responsible for the government of the country, that these seeds that they have now sown to cause trouble to government will grow into a pest which they will be unable to get rid of. I cannot think of a policy more short-sighted than this of preparing for infinite trouble for oneself

in order to obtain a problematical momentary advantage. The extremist leaders may chuckle at a campaign for the refusal of taxes,...taxes will have to be levied and paid by the people under all governments. But once the people are taught to consider that refusal to pay taxes is the highest form of patriotism, the task of future government will become almost impossible.²⁷

But as time passed and Mahatma Gandhi became the sole symbol of Indian nationalism, such opposition became less vocal. While individuals still disagreed with particular expressions of it, by the mid-1930s non-cooperation and civil disobedience emerged as the accepted Indian method of dealing with injustice. With the removal of British power from India, however, the views of Sastri, Tagore, Paranjpye, etc., once again came to the forefront. As perhaps should have been expected, the opposition or dissent has mostly been expressed by those associated with the ruling apparatus. The only curious part of it is that many of the dissenters, in the earlier period, had themselves been participants in the Gandhian non-cooperation and civil disobedience movements. But, at the same time, there was no lack of other public men who challenged this new attitude towards non-cooperation and civil disobedience. The following by J.B. Kripalani, perhaps sums up this challenge. In December 1953, Kripalani said:

I repudiate the view developed by Congress bosses in the government that satyagraha can have no place in a democracy. Satyagraha as commended by Gandhiji was not merely a political weapon. It could be used in the economic and social fields and even against friends and family members. Gandhiji commended it as a principle of life. Therefore, it is absurd to say that it has no place in a democracy, specially of the kind that we now have, bureaucratic centralised.

He added:

All questions cannot await the next elections nor can a government be over-thrown on the basis of local grievances, which for sections of the people may be questions of life and death. The denial of the right of *satyagraha* would mean unresisting submission to tyranny for long stretches of time.²⁸

The new opposition and dissent has, however, been more complex and somewhat less vehement. Most of it has not rejected non-cooperation and civil disobedience completely. Only it finds it irrelevant and injurious in what K. Santhanam calls 'democratic government'.²⁹ According to him, subject to some marginal cases 'general *satyagraha* against a democratic government cannot be justified'.³⁰ According to U.N. Dhebar in 1955 (President of the Indian National Congress at the time): 'In the context of democracy or democratically run institutions, there is, generally speaking, very little occasion for *satyagraha*'.³¹ But even persons like Santhanam visualise the need of individuals resorting to it only in particular situations requiring the defense of fundamental rights. A former Chief Justice of India, P.B. Gajendragadkar, also seems to share such views and, as recently as March 1967, stated:

Satyagraha or non-cooperation can also be regarded as a legitimate weapon in democracy, provided of course it is adopted as a last resort, after all other remedies have been exhausted.³²

Thus, compared to the 1920's, the present opposition is substantially different. While persons in authority and position of responsibility do not still much cherish the prospect of non-cooperation and civil disobedience, there has begun to be a general acceptance of these methods in India; that instead of being destructive, they are in fact complementary to democracy. Few would today contest Santhanam's view that 'it is essential for democratic rulers to realise that true *satyagraha* is complementary to true democracy'.³³ Yet such a view has still to sink into the consciousness of those who manage the ruling apparatus or other centres of authority. It is largely because of this dichotomy, strange though it may appear, that present day non-cooperation and civil disobedience has got more and more involved with the trivial.

Without, perhaps, fully comprehending the implications of their observations, both U.N. Dhebar and K. Santhanam have

pointed to the central issue. According to Dhebar: 'The question of *satyagraha* [in the context of democracy] can only arise from the perpetuation of an act or undertaking an activity which destroys the very foundation of the state or its constitution.'³⁴ For Santhanam, *satyagraha* may be the quickest means of defending³⁵ the fundamental rights of the people. Where they, along with many others, have erred is in taking a mechanical view of what acts destroy 'the very foundation of the state or its constitution' or what constituted 'fundamental rights'.

What acts of state destroy a state? What constitutes denial of fundamental rights? Answers to these cannot be determined by recourse to mere legality. To take one glaring example: large scale hunger and insecurity are both fast corroding the foundations of the Indian state and its constitution, as well as constituting a denial of the most fundamental human right. Hunger, impossible living conditions and insecurity amongst about 40 per cent of the people of India, of course, is not a creation of the present Indian state and its constitution. It is a product of the past two centuries. Nevertheless, the inability or insensitivity of the state in eliminating them, if by no other means, by a distribution of some poverty amongst all, is fast leading India to a subversion of the constitution and state structure. The practice of non-cooperation and civil disobedience for eliminating hunger and insecurity (by demanding "effective provision for securing the right of work" and "public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want" as provided in the constitution itself)³⁶ could have, and may yet if initiated in time, make such subversion much more difficult, if not impossible. (*According to even someone as responsible and law-abiding as Vinoba Bhave: "In the situation where an act is advocated by law and favoured by public opinion and yet it is not being put into practice, satyagraha for its implementation should be deemed appropriate." (*Satyagraha Vichar* p.65) There is nothing less controversial in India than the immediate elimination of widespread hunger and insecurity. Its legal approval and advocacy arises from the constitution of the republic itself.)

The reasons why the British would not attend to such protests are closely linked with the lack of assurance they possessed till the very end about the legitimacy of their rule in India. In contrast, most Indian political authorities prior to British rule

had much greater assurance about such legitimacy. Hence, their surrendering to the protests of the people and altering or abandoning the decisions or enactments concerned did not in any material sense challenge the legitimacy of their rule. Rather, the willingness to listen and the ability to retract unpopular acts and decisions further confirmed such habit and legitimacy both in their own view and that of the people. Only a legitimate ruler, i.e., one who was accepted to be such by the populace, could in fact make such surrender and retraction.

The British in India, on the other hand, even when in certain areas they might have been temporarily conceded some legitimacy by some or all of the ruled, never seem to have felt that their right to rule had any other sanction and legitimacy than that of conquest and an occupying armed force. It is true that their conquests were achieved by a relatively most adroit and economical use of force. Still these forces were not all that small. ((Till 1857, the European component of British occupying forces in India was as one European to four Indians and at times dropped to one European to six Indians. After 1857, when the British became completely panicky and frightened, the composition was altered to one European to two Indians and stayed at that till after 1900. The number of European troops in India was 45,104 in 1856; 92,866 in 1860; and 75,702 in 1908. While the number of Indian troops in 1856 was 2,35,221; it was 1,48,996 in 1908. (*British Parliamentary Papers*, 1908, Vol.74)))

This feeling about the lack of legitimacy prevailed throughout British rule and was shared by men as different and separate in time as Robert Clive, Thomas Munro, John Malcolm and Charles Metcalfe. 1857 made it even more apparent. The fundamental maxim for British rule in India, according to Clive, was that 'our influence and possessions were acquired, so they must be maintained by force; and that the princes of the country are only to be kept in order by fear.'³⁷ Fifty seven years later, Charles Metcalfe did not feel any differently; in fact he was more explicit. In a minute in 1829, he remarked:

We are in appearance more powerful in India now than ever were. Nevertheless, our downfall may be short work. When it commences it will probably be rapid: and the world will wonder more at the suddenness with which our immense

Indian Empire may vanish than it has done at the surprising conquest that we have achieved.³⁸

Metcalfe continued:

The cause of this precariousness is, that our power does not rest on actual strength, but on impression. Our whole real strength consists in the European regiments, speaking comparatively, that are scattered singly over the vast space of subjugated India. That is the only portion of our soldiery whose hearts are with us, and whose constancy can be relied on in the hour of trial.

All our native establishments, military or civil, are the followers of fortune. They serve us for their livelihood and generally serve us well. From a sense of what is due to the hand that feeds them, which is one of the virtues that they most extol, they may often display fidelity under trying circumstances, but in their inward feelings they partake more or less of the universal disaffection, which prevails against us, not from bad government, but from natural and irresistible antipathy; and were the wind to change to use a native expression, and set in steadily against us, we could not expect that their sense of honour, although there might be splendid instances of devotion, would keep the men on our side, in opposition to the common feeling, which, with one view, might for a time unite all India, from one end to the other.³⁹

Metcalfe further added:

Our greatest danger is not from a Russian invasion, but from the fading of the impression of an invincibility from the minds of the native inhabitants of India. The disaffection, which would willingly root us out, exists abundantly. The concurrence of circumstances sufficient to call it into general action may at any time happen.⁴⁰

A few months earlier, Metcalfe had advised: 'I am further convinced that our possession must always be precarious, unless we take root by having an influential portion of the population attached to our government by common interests and sympathies' and advocated the taking of every measure which was

'calculated to facilitate the settlement of our countrymen in India.'⁴¹

Such an assessment of the situation was universally shared by the British in India and reflected in government policy and enactments. Consequently, devoid of any other sanction and legitimacy, except the 'European regiments' and the 'impression of invincibility', the British could not afford to make any concessions, much less surrender to popular protests. Concession of any sort, in their view, implied (as in the case of the protests against the house tax during 1810-11), 'the exciting in the minds of the natives an expectation of still further concessions' which eventually (they felt) led to the erosion of every principle of their government. Therefore, in situations when tactical concessions or surrender could not be avoided, these were to be carried 'into execution, without compromising in too conspicuous a manner the authority of government.'

This principle of infallibility of state structure (and consequently of other units of power and authority) established by the British continues to survive in India even after the elimination of British power. It is true that finding itself very vulnerable, the state structure occasionally condescends to consider the complaints of the protesting after they agree to suspend or abandon their protests. Thus, while the reality of the principle of infallibility has been more or less abandoned, the rules, the codes and the laws which enshrine it, stay. And it is these latter that appear to provide the state system its real legitimacy and sanctity. Such a state of affairs has led to a most dangerous situation. It not only keeps intact the distrustful, hostile and alien stances of the state system *vis-a-vis* the people, but also makes the latter feel that it is violence alone which enables them to be heard. The happenings of the past several years—crammed with riots, protests, assassinations, police firings—in no way belie such a feeling.

The opposition to non-cooperation and civil disobedience or the denial of even their theoretical relevance manifested by the wielders of the state apparatus from time to time or even by men like Srinivas Sastri, Tagore, Paranjpye before 1947 can be sourced to the British nurtured doctrine of the infallibility of the state system. Though now feeble and considered wholly ridiculous, this doctrine is not yet dead and buried. Its roots, while

shaky, still remain. And many amongst the present wielders of the state structure and the theoreticians of the present Indian state system devote much of their talent and attention in nurturing them.

Thus, while it is admitted that non-cooperation and civil disobedience are legitimate and valid when used against foreign rule, they are treated as illegitimate and invalid when used against indigenous governments and authorities. It is in this context that various leaders of India (not to mention teachers of history, political theory, etc.), while in general standing for an eventually classless and egalitarian society and a welfare state, have in effect allowed themselves to become the new defendants of the infallibility of the present state system. Such a doctrine—and more so, support for it—not only goes against all that Gandhiji advocated and did during his long public life, it is also contrary to the very psyche of the Indian people which has traditionally sustained the practice of non-cooperation and civil disobedience.

The above does not imply that non-cooperation and civil disobedience are to be waged perpetually—as is advocated of ‘revolution’ by certain current doctrines. They are used when there is such a need. The more the ruling apparatus and other centres of authority are in tune with the ruled or those affected, the less the need to resort to them.

It must also be admitted that non-cooperation and civil disobedience, like everything else, do not solve everything. There are social and political situations when they may not at all be applicable. As said earlier, to be successful non-cooperation and civil disobedience seem to require a certain commonality of values between the opposed parties. Such parties must share, even if temporarily, certain common socio-political or religious values. This however does not seem to happen in all situations. The late eighteenth and nineteenth century India provides one such instance when the rulers and the ruled had little in common. Similar situations seem to have obtained when most of Europe faced Hitler’s power, or Northern India faced Timur centuries ago. It was due to Mahatma Gandhi’s genius, indomitable courage and unmatched organisational capacity that he could visualise and make effective use of instrumentalities (originally fashioned for internal situations), to deal with an alien power. Circumstances (the British having become relatively mellowed by the early twentieth century being one such), and much more his personality, enabled him to make the British see at least at certain moments, the rightness and justice of the Indian stand. Step by step (from

the issue of land revenue to the boycott of foreign goods to the abrogation of salt tax to the banning of liquor shops to the protests against India being forced into war), he led to the ultimate demand that the British ‘Quit India’. He even recommended these methods to the Czechs and to the Poles against Hitler. But such use or its advocacy against an alien power in no way implied the irrelevance of non-cooperation and civil disobedience against rulers or authorities who get elected or are appointed by the ruled themselves.

Non-cooperation and civil disobedience are integral to the healthy functioning and even to the security of a free and democratic society. In a way, they are even more crucial than stratified courts of law; the present forms of periodic local, state-level or national elections, or the rather stilted and constrained debates and considerations within such elected bodies. Those who resort to non-cooperation and civil disobedience against callousness, authoritarianism and injustice are the protectors of their state and societies. Without them, a society will end up at best in some mechanical ritual; or, more often likely, in tyranny, provoking complete anarchy and armed insurrection.

Notes

1. *Encyclopaedia of the Social Sciences* (1963), Article on Thoreau, by Max Lerner.
2. Atulananda Chakravarti, *The Lonesome Pilgrim* (1969), p.32.
3. C.D.S. Devanesan, *The Making of the Mahatma* (1969), pp.378-9.
4. R.R. Diwakar, *Saga of Satyagraha* (1969), pp.8-11.
5. Buddhadeva Bhattacharya, *Evolution of the Political Philosophy of Gandhi* (1969), p.286.
6. V.V. Ramana Murthi, *Non-Violence in Politics* (1958), p.148.
7. Gene Sharp, *Thoreau: On the Duty of Civil Disobedience* (1963), p.1.
8. Kaka Kalelkar, ‘Evolution of the Philosophy of Satyagraha’ (1969), published in *Gandhi Darshan*, (1869-1969) October 2, 1969—February 2, 1970. A Souvenir.
9. R. Payne, *The Life and Death of Mahatma Gandhi* (1969), p.217.
10. Kaka Kalelkar: *ibid*.
11. j|É@úÊÍÉiÉÉ@Æú ½þjÉÉC®Æú ÈÉ±Éä(j|ÉÉ@ú"ÉxÉÉªÉEò"ÉÄ * iÉÆ 'Éè @úÉVÉEòÈ±É ½þxªÉÖ: |ÉVÉÉ: "ÉzÉrùªÉ ÈxÉvÉþÇhÉ·ÉÄ ** j|É½Æþ 'ÉÉä @úÊÍÉiÉäiªÉÖCí'ÉÉ "Éä xÉ @úlÉÊiÉ |ÉUÉ"ÉjÉ: * "É "ÉÆ½þjäÉÉ ÈxÉ½þxiÉ"É: ¶'Éä'É "ÉÉäx"ÉÉnù j|ÉEiÉÖ@ú: ** j|ÉxÉÖ¶ÉÉºExÉ 61.32-33; j|ÉºÉi{ÉÉÉ{É¹ öºÉÉSÉ'ÉÉä 'ÉvªÉÉä ±ÉÉäEòºäÉ vÉ"ÉC½þÉ * ¶'ÉÉÍxiÉ 92.19
- The Mahabharata*, quoted by P.V. Kane, *History of Dharmashastra*, Vol.III (1946), p.26.
12. James Mill, Evidence to House of Commons Committee, in *House of Commons Papers*, 1831-32, Vol.XIV, pp.6-7.
13. *Hind Swaraj* (1946), p.58.
14. *Ibid*, p.60.

15. *Ibid*, p.61.
16. Fort St. George: *Diary and Consultations*, November 1680.
17. India Office Records (I.O.R.), *Board's Collections: F/4/ Vol.1415, No. 55844A*, Assistant Collector to Principal Collector, Canara, January 17, 1831, pp.158-61.
18. *Ibid*.
19. *Ibid*.
20. The Bombay Presidency Political and Judicial Records for the period 1820-40 contain voluminous material on the numerous 'Bunds' organised by the people in Maharashtra against the British. One of these was the 'Poorundhur Bund' organised largely by the *Ramoosees* during 1826-28.
21. J. Mill: *Ibid*.
22. Gopal Krishna Gokhale, quoted in *The Development of Indian Polity* by M. Ramchandra Rao, B.A. BL., M.L.C. (Madras, 1917), p.291.
23. West Bengal State Archives: 'Bengal Judicial Criminal Proceedings', February 8, 1811, *Original Consultations*, No. 6.
24. J. Mill (and H.H. Wilson), *History of British India*, Vol. VII, p.467.
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26. D. G. Tendulkar, *The Mahatma* (1951-4) Vol.II, pp.59-60.
27. R.P. Paranjpye, *Selected Writings and Speeches* (1940), pp.176-7.
28. *Janata* (weekly): January 26, 1954: J.B. Kripalani's speech quoted in leading article; also text on January 17, 1954, p.3.
29. K Santhanam, *Satyagraha and the State* (1960), p.62.
30. *Ibid*.
31. *Times of India*: September 22, 1955: U.N. Dhebar's article on 'The Rationale of Satyagraha'.
32. *Free Press Journal*: March 3, 1967: Press Report of Lecture.
33. K. Santhanam: *Ibid*, p.67.
34. *Times of India*: *Ibid*.
35. K. Santhanam: *Ibid*, p.67.
36. *The Constitution of India*: Article 41.
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38. London Public Record Office: Ellenborough Papers: PRO/30/9/4/Part II/2. Minute dated October 11, 1829 by C.J. Metcalfe.
39. *Ibid*.
40. *Ibid*.
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DOCUMENTS

I

OFFICIAL NARRATIVE OF EVENTS

A. EVENTS AT BENARAS

I.A.1. *Collector of Benares to Acting Magistrate*

26.11.1810

W. W. Bird Esq.,
Acting Magistrate of the City of Benares

Sir,

In order to carry into execution in the city of Benares the rates laid down in Regulation XV, 1810 for the establishment of a tax on houses and shops, permit me to solicit your interference to give the utmost publicity to the said Regulation which it is incumbent on all householders to be aware of, both to induce their ready compliance with the demands which will be made on them when the assessment shall have been concluded and approved of, and to enable me to obtain, in the first instance, the necessary information as to the number of tenements & c and general rates of rent by which the said assessment is to be fixed. It is my wish, both in commencing the previous enquiries and in proceeding to levy the tax, that every precaution shall be adopted in concert with you to avoid creating disgust or giving rise to complaints.

I propose to depute two or more respectable persons, assessors, to take an account of the houses and shops in each mehulla and to compute, as accurately as can at first be expected without too rigid a scrutiny, the usual rates of rent of each.

If the proprietors and occupants, in consequence of the notice given them by the present proposed promulgation of the Regulation, will be induced to furnish a faithful account of the rents they receive and pay, I hope it will not be necessary for my officers to make any entry in order to ascertain the rates of tax to be levied, by personal survey of the premises.

In instances of obstacle or impediments on the part of the house-holders I shall enjoin the officers to take no steps without particular instructions from me, and if it should be expedient, I shall communicate with you on such occasions in order to compel acquiescence.

If it could be possible to allow a police officer of each ward or mehulla to accompany the persons deputed on this service until the numbers of the houses & c shall be taken, I can conceive it might prevent improper disputes and would facilitate the introduction of the tax.

I beg leave to enclose for distribution to the several thannahs of the city and its suburbs 10 transcripts of the Regulation and will supply more hereafter. It will be desirable that a copy for general perusal should be allowed to be taken by individuals at pleasure.

I shall likewise acquaint you, hereafter, with the names of the assessors I may employ and of the mehullas where I first propose to send them.

Section IV of the Regulation in question having constituted the extent of the operation of this tax to be the limits fixed under Regulation X, 1810, permit me to request that you will acquaint me with the line of demarcation which may have been notified to you by the Collector of Town Duties agreeably to section VII of the last mentioned Regulation.

Benares Collectorship
November 26, 1810

I have & c
W. O. Salmon, Collector

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I.A.2. *Collector of Benares to Acting Magistrate*

6.12.1810

W.W. Bird Esq.,
Acting Magistrate of City of Benares

Sir,

With reference to my letter of 26th ultimo, I beg leave to acquaint you that I have committed the charge of numbering the houses, (i.e., reckoning them by account, not affixing marks of numbers which at first might be obnoxious to the inhabitants) in the city of Benares to Mohummud Tukkee Khan, a native of

rank, reputation and ability, in whom I have full confidence that the service will be performed with equal fidelity to Government, as with all consistent attention and consideration towards the natives.

I have to solicit the favour of you to furnish me as speedily as possible with perwannahs to all the thannadars of the city wards and the suburbs enjoining them to afford the utmost assistance to and cooperation with Mohummud Tukkee Khan and the moosuddies whom he may have occasion to depute under his immediate superintendence. It is my intention to entrust these perwannahs to Mohummud Tukkee Khan who will send them to the said thannadars as he commences upon their divisions, and he will at the same time notify to them the names of the moosuddies to be employed in each mehulla. I believe he will commence with Tallua Nallah.

Benares Collectorship
December 6, 1810

I am & c
W.O. Salmon, Collector

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I.A.3. *Acting Magistrate to Collector, Benares*

11.12.1810

W.O. Salmon Esq.,
Collector of Benares

Sir,

I have the honour to acknowledge the receipt of your letters of the 26th ultimo and 6th instant.

2. The copies of Regulation XV, 1810 have been distributed at the several thannahs in the city, and the thannahdars directed to allow copies to be taken by all who may desire it.

3. The thannahdars have also been directed to point out to the assessors of the house tax the extent of their respective wards, to furnish them with such information as from local experience they may possess, and generally to promulgate that your officers appointed under Regulation XV, 1810 are acting by the authority of Government.

4. I have not, however, instructed the native officers of police to accompany the persons deputed by you on this service, as I apprehend, that their direct or indirect interference with the

assessment, would be liable to abuses as well as objectionable to the inhabitants. Should any obstacle or impediment on the part of the householders be opposed to your officers in the legal execution of their duties, I shall, of course, upon intimation from you, issue specific instructions to the officers of police to enforce acquiescence.

5. I have the pleasure to enclose a copy of the paper transmitted to me by the Collector of Town Duties, under section VIII, Regulation X, 1810.

City of Benares I am & c
December 11, 1810 W.W. Bird, Acting Magistrate

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I.M. 11. Hearing Magistrate, Derates to Government
25.12.1810

G. Dowdeswell Esq.,
Secretary to Government,
Judicial Department.
Fort William

Sir,

I should not be justified in withholding from the knowledge of the Right Hon'ble, the Governor-General-in-Council, that a very serious situation has been excited among all ranks and descriptions of the inhabitants of the city by the promulgation of Regulation XV, 1810.

2. The petitions (copies of which will be separately dispatched to you by today's dawk) have been presented to me by the inhabitants collectively, who are surrounding me in crowds, imploring me to report their situation for the consideration of Government.

3. All the petitions are directed to obtain exemption from the tax on houses, which is extended to Benares by the Regulation in question. They set forth generally the inability of the petitioners to bear the burden which it imposes. They state that the stagnation of trade has deprived them of employment, that the town duties levied under Regulation X, 1810 have enhanced the price of every article of consumption, and that their houses are already subjected to an assessment for the support of the police from which any other city, but this in India is exempted.

4. It will appear to Government I apprehend, that the difficulty of procuring employment, and the enhanced price of articles of consumption, form no sufficient grounds for specially exempting the inhabitants of this city from the tax imposed by the Regulation; the same grounds of exemption could perhaps be urged with equal justice by every other city and town to which the Regulation has been extended.

5. But it may appear at the same time that some remission might be granted to the petitioners, in consideration of the tax to which their houses are already subjected for the support of the police. The local watchmen stationed at the Phatucks or gateways in this city, are maintained by the inhabitants of the wards to which the gateways respectively belong, who contributed to defray the expense in proportion to the number and description of their houses. The monthly contribution raised from 10,241 houses which are assessed under this arrangement amounts to 1,334-6-10 $\frac{1}{2}$. This sum is considerable, and will press heavily on the householders in addition to the tax from which they claim to be exempted.

6. The people are extremely clamorous; they have shut up their shops, abandoned their usual occupations, and assemble in multitudes with a view to extort from me an immediate compliance with their demands, and to prevail with me to direct the Collector to withdraw the assessors until I receive the orders of Government. With this demand I have not thought proper to comply. I have signified to the people that their petitions shall be transmitted to the Government, but that until the orders of Government arrive, the Regulation must continue in force, and that I shall oppose every combination to resist it. By conceding to the general clamour I should only have encouraged expectation which must be eventually disappointed, and have multiplied the difficulties which the introduction of the tax has already to contend with.

7. The agitation this evening has been so considerable that I felt it necessary to intimate to Major-General Macdonald the possibility of my being compelled to apply for military assistance. Towards night, however the multitude dispersed, and I hope yet to be able to pacify them and induce them to return to their usual pursuits, without resorting to coercion.

City of Benares

I have & c

December 25, 1810, 8 O'Clock W.W. Bird, Acting Magistrate

I.A.5. *Acting Magistrate, Benares to Government*

28.12.1810

Sir,

On the 25th instant, I had the honour to communicate to you the very serious agitation which had been excited among all ranks and description of the inhabitants of Benares, and the course which I intended to observe for the purpose of subduing it.

2. The tumultuous mobs which were collected in various places between the city and Secrole on the evening of the 20th instant, and which dispersed on the first appearance of preparations among the troops, did not reassemble on the morning of the 26th, and I was induced to hope that the people in general were disposed to return to order and obedience.

3. But in the afternoon the agitation was revived. An oath was administered throughout the city, both among the Hindoos and the Mahomedans, enjoining all classes to neglect their respective occupations until I should consent to direct the Collector to remove the assessors and give a positive assurance that the tax should be abolished. It was expected that the outcry and distress occasioned by this general conspiracy would extort from me the concession they required. The Lohars, the Mistrees, the Jolahirs, the Hujams, the Durzees, the Kahars, the Bearers, every class of workmen engaged unanimously in this conspiracy, and it was carried to such an extent that during the 26th, the dead bodies were actually cast neglected into the Ganges, because the proper people could not be prevailed upon to administer the customary rites. These several classes of people, attended by multitude of others of all ranks and descriptions, have collected together at a place in the vicinity of the city, from whence they declare nothing but force shall remove them, unless I consent to yield the point for which they are contending.

4. Their object in requiring me to direct the Collector to recall the assessors without waiting to receive the orders of Government, is merely a preliminary step to a resolution not to pay the tax at all without coercion, be the orders of Government what they may. I have signified to the people that I have no authority to interfere in the manner they desire, and that they must wait, submissively, the determination of Government, but they seem to think that if the assessors are not removed immediately, they will never be removed at all, and that if they cease to assemble

in this objectionable mode, they will obtain no relief from the tax which, it is pretended, they never can submit to.

5. Were I to yield to demands urged by the clamour, and supported by such unwarranted combinations, I feel I should compromise the authority of Government, and thereby encourage the people to similar proceedings on every future occasion when they may happen to be discontented. I conceive it, therefore, my duty not to comply with such demands, and to persevere in resisting them until I receive the Government's instructions. In the meantime, I shall do all that my persuasion can affect to allay the general irritation, and abstain from resorting to force, until the support of my authority shall absolutely require it.

6. In pursuance of these views explained in person to the mobs, the orders which I expected them to obey, I also issued proclamations requiring the people to disperse, to return to their usual occupations, and wait in patience whatever Government may determine. I sent for the choudries of the respective classes engaged in the conspiracy, and after taking their examinations, I required them to sign a penal engagement to withdraw from the combination, to revert to their ordinary pursuits, and to exert themselves with others to imitate their example. A similar engagement I propose to tender to the principal people of all classes, and punish those who refuse to sign it. This line of conduct appears already to have produced some benefit, and I trust that in a few days, when the people are fully convinced that their clamour is unavailing, they will disperse, open their shops, and return to order and obedience.

7. As the Collector is absent in the district, I have thought it necessary to recommend him immediately to return, that the native assessors be not left entirely to their own discretion on this very delicate occasion. I enclose a copy of letter to him upon the subject, and also the copy of a correspondence, which previously passed between us.

8. I beg leave to enclose also a copy of the letters which passed between Major-General Macdonald and myself on the 25th and 26th respecting the military assistance which I might be compelled to request him to afford me.

9. In my haste on the 25th, I omitted to apologise for my inability to furnish translations of the petitions which I then submitted to Government. I have now the honour to enclose translations of three of those petitions which as they contain the

substance of the rest, will, I trust, be sufficient. I hope, Government will excuse my neglecting to translate the remainder in consideration of the other important duties which press upon my attention.

City of Benares
December 28, 1810

I have & c
W. W. Bird, Acting Magistrate

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I.A.6. *Acting Magistrate, Benares to Government*

31.12.1810

Sir,

Since the date of my last address, my attention has been unremittingly directed to allay the irritation which exists among the inhabitants of Benares, and to persuade them to return to their ordinary pursuits until the determination of Government can be received on the subject of their petition.

2. But my endeavours have been unavailing. All classes of people persevere in abandoning their employments, and occasion thereby great public inconvenience. Every article of consumption is procured with such difficulty, and is raised to so high a price, that the poorer inhabitants are distressed. Several thousands of people continue day and night collected at a particular spot in the vicinity of the city, where, divided according to their respective classes, they inflict penalties upon those who hesitate to join in the combination. Such appears to be the general repugnance to the operation of the Regulation, that the slightest disposition evinced by any individual to withdraw from the conspiracy, is marked not only by general opprobrium, but even by ejectment from his caste.

3. In this state, the people seem resolved to continue until the orders of Government are received and they hope by this means to extort the repeal of the Regulation. I have endeavoured to observe the most conciliatory line of conduct, to allay the general irritation. I have repeatedly gone to the place where they are collected, and have done all in my power to persuade them to return to their proper occupations. I have written to the Rajah of Benares, to the principal merchants, and to the other inhabitants of rank and respectability, requesting them personally to exert their influence with the people to pacify and disperse them.

4. But as all the endeavours prove ineffectual, and as the continuance of such a state of things in a city so populous and extensive can not be viewed without considerable apprehension for the public tranquility, I determined upon requesting the favour of a personal interview with Major-General Macdonald to explain to him the general disposition of the people, and to suggest to him the expediency of being prepared for any possible emergency. The measure of sending for his Majesty's Regiment was consequently resolved upon, and I trust under the circumstances of the case, it will receive the approbation of Government. I have the honour to enclose a copy of our correspondence.

City of Benares I have & c
December 31, 1810 W. W. Bird, Acting Magistrate

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I.A.6 (a) *Major-General Macdonald to Acting Magistrate, Benares*

31.12.1810

Sir,

In consequence of the conversation which passed between us this morning, wherein you expressed your apprehension, that the present state of irritation of the minds of the people of Benares may increase and eventually induce them to proceed to acts of violence, which I consider the small force now at the place is ill-suited to repress. If therefore you are still of the same way of thinking, I shall, on receipt of your reply to this, send immediate orders for His Majesty's 67th Regiment to repair to this place. In which case, I beg to observe, it will be necessary you give immediate instructions, for every thing required from your department, to assist the corps in its march being ready.

Benares, half past 12 at Noon I have & c
December 31, 1810 J. Macdonald, Maj-General

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I.A.7. *Acting Magistrate, Benares to Government*

2.1.1811

Sir,

My address of the 31st ultimo, dispatched by express, will have communicated to the Right Hon'ble, the Governor-General-in-Council the circumstances, which had rendered it expedient to call for the assistance of his Majesty's 67th Regiment at this station.

2. I am deeply concerned to state that the combination formed against the introduction of the house tax becomes daily more extended, and has assumed a very serious appearance. The people continue to desert the city, and collect in increasing numbers at the spot, where they have resolved to remain in expectation of the orders of Government. No assurance on my part, or on the part of the civil authorities at this station, has the slightest effect. They look to the orders of Government alone for relief from a grievance to which they are resolved never to submit and I am convinced no persuasion will ever prevail with them to swerve from their resolution.

3. There is too much reason to apprehend that this combination extends throughout the province. The Lohars who originally assembled for another purpose, soon took a principal part in the conspiracy, and have collected here in great numbers from all parts of the province. The inconvenience suffered in consequence by ryots, threatens serious impediment to cultivation, and multiplies the number of the discontented. At the same time the people are integrated to persevere by the notion which prevails, that the inhabitants of other cities have engaged to conform to the issue of the struggle at Benares.

4. Under these circumstances, it is seriously to be apprehended that military force alone can carry the Regulation into effect. The aversion to the tax is so decided, that the people will be satisfied with nothing but its total abolition. There appears to be little doubt in the minds of most people, that the attempt to introduce it under any modification, will give rise to serious disturbances.

5. The principal natives, whose influence, if cordially exerted, would have effect with the people, evince little or no disposition to assist me. All equally interested in the success of the combination, they will not exert themselves effectually. The personal influence of Mr.Brooke, the Agent of the Governor-General,

might be more successful with them. I have consequently written to that gentleman to recommend his returning immediately from the Circuit, and hope that the respect which the inhabitants entertain for his rank and character, may dispose them to listen to him with attention.

City of Benares I have & c
January 2, 1811 W.W. Bird, Acting Magistrate

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I.A.8. *Acting Magistrate, Benares to Government*

4.1.1811

Sir,

I have the honour to report for the information of the Right Hon'ble, the Governor General in Council, that since my dispatch of the 2nd instant, very little alteration has taken place in the state of this city.

2. I have much pleasure, however, in communicating, that the intrigues set on foot to extend the combination throughout the province, appear likely to be effectually counteracted before any considerable mischief can result from them. As soon as I discovered that the Lohars were collecting here from the surrounding pergunnahs I called upon the landholders to exert their authority against a mischief which would retort upon themselves. I required them to recall the Lohars to their respective estates, and compel them to work, and at the same time to counteract the misrepresentations employed to deceive the people. All those landholders with whom I have communicated, appear to enter cordially into my views, and have exerted themselves effectually. I am greatly indebted for assistance in this respect to Baboo Sheo Narain Singh, Jagirdar of Siedpoor, the only native of consequence who has supported me on this occasion. I am also indebted to him for protecting the bazars in the city wherever his influence extends, and it is through the support which he has afforded the police, that the corn markets have been unmolested, and the city supplied with corn at the usual price, when no other article of consumption was procurable.

3. The people of different classes collected together in expectation of the orders of Government, begin to feel themselves the distress which they inflict upon others, and some of them

return occasionally to their pursuits. I have reason to believe that they have hitherto been supported by private contributions among the principal inhabitants, who supply them with firewood and provisions; but as these resources begin to fail, they become sensible of the ruin which their conduct will ultimately bring upon their families.

4. Much dependence however can not at present be placed upon these favourable circumstances, for the religious orders of the people, and the men of rank and respectability, continue unalterable in their resolution, and encourage the multitude to persevere by every kind of artifice and persuasion. The principal people of every class are compelled to eject all those who are detected in attempting to withdraw from the combination. They also send forth spies in all parts of the city to seize the delinquent, and I have apprehended many employed upon this service. I have, of course inflicted upon such persons very severe punishment, but it does not deter others from committing similar outrages.

5. I shall continue to do everything in my power, until the orders of Government arrive to prevent disturbance by the means of the police, and as I have succeeded hitherto, I trust, there will be no immediate necessity to call for the assistance of the troops. Considering the nature of the struggle, it has appeared to me advisable to abstain from violence as long as it can be avoided without any great sacrifice, and I trust in doing so, I shall have acted conformably to the wishes of Government.

City of Benares
January 4, 1811

I have & c
W.W. Bird, Acting Magistrate

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I.A.9. *Acting Magistrate, Benares to Government*

8.1.1811

Sir,

It is with the greatest satisfaction that I am able to report for the information of the Right Hon'ble, the Governor General in Council, that the inhabitants of this city begin to be sensible of the inutility and danger of continuing longer in a state of insubordination to the authority of Government.

2. In order to explain the circumstances which have produced this very desirable effect, I will state more minutely than has been hitherto in my power the alarming situation we were placed in at the beginning of the month. The people of all description, collected according to their several classes in the vicinity of the city, had bound themselves by oath never to disperse without extorting the object they were extending for, and they seemed to increase daily in numbers and resolution. They employed emissaries to convey a Dhurm Puttree to every village in the province, summoning one individual of each family to repair to the assembly at Benares. Several thousand Lohars, Koonbees, and Korees, were enticed from their houses, and collected here by this excitement. At the same time, the inhabitants continued to withdraw from the city, and even those who were unwilling were compelled to abandon their pursuits, to avoid the opprobrium and punishment denounced against all and inflicted upon many, who declined joining in the conspiracy. The individuals of every class, contributed each in proportion to his means, to enable them to persevere, and considerable sums of money were thus raised for the support of those, whose families depended for subsistence on their daily labour.

3. The multitudes, thus assembled, were abundantly supplied with firewood, oil, and provisions, while nothing in the city except grain was procurable. The religious orders exerted all their power over the prejudices of the people to keep them unanimous, and the combination was so general, that the police were scarcely able to protect the few who had courage to secede, from being plundered and insulted. In this state we continued, until the 3rd instant, in momentary expectation of some serious disturbance.

4. On the 3rd, however, the measures adopted against these seditious proceedings, began to be attended with effect. The landholders had taken alarm, and immediately upon the proclamation, sent their people and carried off the numbers of the Korees, Koonbees, and Lohars to their respective estates. At the same time, some of the emissaries employed in distributing the Dhurm Puttree were apprehended by the police and this mischief was soon checked by the measures taken to seize such incendiaries wherever they could be detected.

5. As there appeared, among the multitude assembled in the vicinity of the city, many men of rank and good character, I stationed people on the way to write down the names, and to inform them they were acting in defiance of my authority. This

gradually deterred many of them from appearing in the assembly. In the same manner I stationed the police officers on the roads to watch the supplies, and ascertain by whom they were provided, in consequence of which many of the principal inhabitants declined longer to furnish their daily contributions.

6. Much public inconvenience was likely to arise from the Mullahs being drawn into the conspiracy, the communication with the opposite bank of the river was almost interrupted and I was compelled to proclaim, that every boat abandoned by the proprietor, should be forfeited to Government. The Mullahs in consequence soon returned to their duties. At the same time several persons of different classes employed to extend the combination were detected by the police, and punished with exemplary severity. These examples, often repeated, began at length to deter others from incurring the consequence of similar offences.

7. These measures, assisted by the fatigue and privations which began to be felt seriously by all, convinced the people of the inutility of their proceedings, and they diminished sensibly in numbers. I resolved to avail myself of this state of things to endeavour once more to persuade them to disperse, and for this purpose I sent for several of those, whom I know, or suspected, to be the first movers of the combination.

8. Most of these persons seem to be sensible, that it is only by dispersing that the people can expect indulgence from the Government, and they professed themselves disposed to do everything in their power to persuade all classes to return to their regular pursuits; very great alteration appears already to have taken place in consequence. Yesterday and today, many shops are open in the city, every article of consumption is again procurable. Numbers have returned to their daily occupations and the irritation has almost entirely subsided and I have little doubt that in the course of a few days this combination, now no longer formidable, will be totally dissolved.

City of Benares
January 8, 1811

I have & c
W.W. Bird, Acting Magistrate

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I.A.10. *Collector, Benares to Government*

2.1.1811

The Secretary,
Government of Bengal, Revenue Department
Fort William

Sir,

The Acting Magistrate of the city has already addressed you, for the information of Government, on the subject of the determination of the inhabitants to oppose the operation of Regulation XV, 1810, and of their factious inconsequence of such determination.

I beg leave to annex copies of my correspondence with the Magistrate as to the mode I proposed to pursue, in introducing the house tax which will, I trust, manifest every intention of lenity, precaution and consideration.

In consequence of the Acting Magistrate's summons I arrived from the interior of the district yester evening. I am given to understand that considerably above twenty thousand persons are sitting (it may be called dhurna), declaring that they will not separate till the tax shall be abolished. Their numbers are daily increasing from the Mofussil whence each caste has summoned its brethren and adjured them to unite in the cause. If one party be more obstinate and more determined upon extending the mischief than another, the Lohars, or blacksmiths, may be so charged, for they were not only the first to convoke the assembly of their near brethren, but they have far and wide called upon other Lohars to join them with the intent that no implement of cultivation or of harvest (which is fast approaching) be either made or mended, and thus that the zemindars and ryots may be induced to take part with the malcontents, in short that the whole of the country shall directly or indirectly be urged to insist on the repeal of the tax.

With these Lohars almost all other castes, sects, and persuasions are in league and I am informed under a most binding oath amongst each other.

At present open violence does not seem their aim, they seem rather to vaunt their security in being unarmed in that a military force would not use deadly weapons against such inoffensive foes. And in this confidence they collect and increase, knowing that the civil power can not disperse them, and thinking that the military will not.

All the civil authorities have attempted admonition, warning and persuasion and the Acting Magistrate has been indefatigable in his exertions, but without avail. They profess that they shall wait the order of Government, but not apparently with any determination of ultimate submission.

If they do not submit, they can only have two objects in view, resistance by force of arms, or emigration. The latter, though said to be threatened, I confess, I do not apprehend. For, the moment the mob breaks up, at that moment the charm is broken. Their mutual oaths of union, their resolution of death or banishment, will be dissolved and each individual will consult his private interests. But how to disperse the mob without a cruel sacrifice of lives appears most difficult, for as I before observed, they are alike deaf to admonition or remonstrance. I had a number of Lohars with me today, and after having for a long time explained to them that the tax, in question would not be a hard one upon them, that I would exert myself to recommend that they should not be subjected to the two cesses of Phatuckbundee and house tax and that if they would break up their 'Mujlis' and repair to their homes, I would listen to every single complaint of every individual as to the rate of tax being excessive upon them, and as far as was possible would consult their advantage; they replied that they were one and indivisible and if their 'Punch' would consent, they would have another conference with me tomorrow.

Although their numbers are yet quiet in point of action, if they be not dispersed before the orders of Government arrive, there is no knowing what despair may drive them to. In the meantime if the mischief of total annihilation of trade and handicraft in the city be widely extended to the country, it may stir up the land-holders who are at present not at all concerned in the question.

It is to be lamented that cavalry were not within call, who might have dispersed the multitude without committing slaughter, and might have hunted them wherever they assembled; for amongst them they do not appear to have any head or a leader who might summon them to more private and inaccessible haunts and though they are doubtless maintained, secretly supported, and stimulated by affluent persons and persons of consequence in the city, none of these latter descriptions would I imagine risk, the consequences to their character, persons and property of more treasonable cabals, beyond the talents and the plans of a mere tumultuous rabble. That Government should at

the instance of a mob consent to withdraw or repeal a law established for the whole country can hardly be supposed, and it is therefore essential to provide against the consequences of refusal to the clamorous petitions that have been transmitted.

I have learnt from good authority that the inhabitants of Patna have written to Benares to the effect that they shall be guided by these. That being more numerous, the Benares city is better able to make exertions against the tax and if it shall succeed in procuring abrogation the city of Aminabad would become exempted of course; in like manner, if the Benares city submits then Patna will immediately follow its example.

Thus whilst it will be seen how extensive the combination is, it will also be considered that Benares is the cornerstone on which the other cities build.

Benares Collector's Office
January 2, 1811

I am & c
W.O.Salmon, Collector

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I.A.11. *Government to Acting Magistrate, Benares*

5.1.1811

Sir,

I am directed by the Right Hon'ble the Governor-General-in-Council to acknowledge the receipt of three letters from you, dated the 25th, 28th and 31st ultimo, with their respective enclosures.

2. The Governor-General-in-Council does not discern any substantial reasons for the abolition of the tax on houses in the cities and principal towns established by Regulation XV, 1810. With these sentiments, His Lordship in Council further thinks that it would be extremely unwise to sacrifice to riot and clamour a tax, the abolition of which is not dictated by any considerations of general policy.

3. The Governor-General-in-Council approves the measures adopted by you on the present occasion, and His Lordship-in-Council desires that you will continue to exercise the firmness and moderation, hitherto manifested by you, in enforcing the provisions of the above mentioned Regulation and supporting the authority of the Collector.

4. One ground of objection stated by the petitioners is that they are already subject to a contribution for the pay of chokeydars and the repair of the gateways (Phatuckbundee) which is not paid by the inhabitants of other cities. As it occurs to Government that this contribution, united to the tax on houses established by the above mentioned Regulation, might fall heavy on particular classes of people, it is the intention of Government that they should be relieved from the former, and that the expense of the Phatuckbundee should be defrayed from the general resources of Government. You are accordingly authorised to communicate this intention to the people interested in the operation of it, in such mode as you may deem best calculated to allay the disposition to riot and resistance to public authority, which appears so generally prevalent among lower orders in the city of Benares. It appears to Government that the most advisable course to pursue on the present occasion will be to apprise Major-General Macdonald of the intentions of Government, as above stated, to concert with him the arrangements which should be adopted for the suppression of any attempt to resist your own authority or that of the Collector, or to injure the peaceable and obedient part of the community by open violence, and for the dispersion of mobs and the apprehension of the ring leaders of them, with a view to a regular prosecution against such offenders and thereupon to announce to the public the firm intention of Government to enforce the collection of the tax on the one hand; and the indulgence which it is disposed to manifest by relieving them from the contribution on account of the Phatuckbundee on the other. You will, of course, take the same opportunity of impressing on their minds the serious evils, which they are liable to bring upon themselves by further perseverance in resistance to the authority of Government. It may at the same time be expedient to apprise them that with every disposition to afford to the people every reasonable indulgence and to protect them in the enjoyment of every right, the Governor-General-in-Council never can yield to lawless combinations or to attempts made to enforce a compliance with their applications by tumultuary meetings and proceedings.

5. You will, of course, avail yourself of the influence of the Rajah of Benares and of other persons of rank and character, to aid in the suppression of the spirit of riot and sedition by which the populace is at present actuated.

Council Chamber
January 5, 1811

I am & c
G. Dowdeswell, Secretary to Government

I.A.12. *Government to Acting Magistrate, Benares*

7.1.1811

Sir,

I am directed by the Right Hon'ble the Governor-General-in-Council to acknowledge the receipt of a letter from you, dated the 2nd instant.

2. My letter of the 5th instant will have informed you of the resolution of Government not to rescind the provisions of Regulation XV, 1810. The same dispatch will have apprised you of the sentiments of Government respecting the absolute necessity of dispersing (if actually necessary, by force of arms) the mobs assembled with a view to extort from Government a compliance with their unreasonable applications, and likewise the expediency of apprehending the leaders of them, in order that they might be regularly brought to trial for that offence. The Governor-General-in-Council is desirous that it should be understood that he intended by the above mentioned orders, that with the aid of the military, you should apprehend all persons, who might refuse to disperse on your requisition, especially those who may be chiefly active in fomenting the present sedition.

3. It is with extreme reluctance that the Governor-General-in-Council is at any time compelled to employ the military force of the country, to enforce the Regulations and orders of Government, and maintain the authority of the public officers. His Lordship-in-Council is solicitous that every thing should be done by yourself and the Collector, by means of wholesome admonitions, to reclaim the people from their present lawless and seditious proceedings, that the military should not employ their arms except in case of actual necessity, that is, of any positive act of violence on the part of the mob against the troops, or any of the civil authorities. You are in consequence desired to communicate the foregoing orders to Major-General Macdonald, in order that he may be fully apprised of the course which should be pursued by him and the troops under his command on the present emergency.

4. The Governor-General-in-Council approved the application made by you to Mr. Brooke to return to his station, and to exercise all the influence which he may possess, to induce the Rajah of Benares and other persons of rank, to aid in suppressing the present disposition to riot and disturbance. With the

same view, a letter will be addressed on the subject to the Rajah by the Governor-General.

5. You will apprise the Collector of Benares of the orders passed by Government on the 5th instant, and on the present date, it appearing essential that the different public authorities should possess full information regarding the resolutions of Government to enforce the provisions of the Regulation respecting the house tax.

6. It appearing to his Lordship-in-Council, that a proclamation issued by the direct authority of the Government itself, may be of service in reclaiming the people from their unjustifiable proceedings, or at all events, in apprising them of the evils which they may bring upon themselves by a further perseverance in those lawless measures, I am directed to transmit to you the enclosed copy of a proclamation in the English, Persian and Hindoostany languages. You will, of course, exercise your discretion with reference to the military arrangements to be made by General Macdonald, as to the period or time at which the proclamation should be issued.

I am & c
G. Dowdeswell,
Council Chamber
Secretary to Government,
January 7, 1811 Judicial Department

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I.A.12 (a) *Fort William Proclamation*

January 7, 1911

By the Right Hon'ble the Governor-General-in-Council

Whereas by Regulation XV, 1810, a light and moderate assessment has been established on shops and houses situated in the cities and some of the principal towns in the provinces of Bengal, Behar, Orissa and Benares, and in the Ceded and Conquered Provinces; and whereas it has come to the knowledge of the Governor-General-in-Council, that certain classes of people at the city of Benares have assembled in a tumultuary manner and have otherwise illegally combined to resist the enforcement of the above mentioned Regulation; and whereas the Governor-General-in-Council on a mature consideration of the petitions which have been transmitted to him on this subject, does not discern any substantial reasons for repealing the provisions of

that Regulation, the different classes of people above noticed, and the inhabitants in general of the city of Benares, are hereby apprised, that instructions have been issued to the Magistrate and Collector to carry the provisions of the said Regulation into effect, and that correspondent orders have been issued to the officer commanding the troops in that province to support the Magistrate and Collector in the discharge of that duty, and especially to exert himself in dispersing tumultuary meetings, and in bringing to justice persons attending such meetings, or otherwise aiding in combinations formed for the illegal and unwarrantable purpose already noticed.

It is with deep concern that the Governor-General-in-Council feels himself obliged to warn the refractory part of the community of the serious evils, which under the foregoing orders, they are liable to bring upon themselves by a further perseverance in their present seditious conduct. The disposition of the Government to attend to all reasonable applications, and to afford equal protection to all classes of people, is universally acknowledged; but it never can be induced to forego what it has deemed a just and reasonable exercise of its authority in consequence of unlawful combination and tumult.

By order of the Governor-General-in-Council.

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I.A.13. *Government to Acting Magistrate, Benares*

11.1.1811

Sir,

I am directed to acknowledge the receipt of a letter from you dated the 4th instant and to acquaint you that the Hon'ble the Governor-General-in-Council has derived great satisfaction from learning that the spirit of sedition and resistance to public authority was beginning to subside in the city of Benares at the period of your address.

2. In the 4th paragraph of your letter you observe as follows, 'Much dependence however can not at present be placed on these favourable circumstances; for the religious orders of the people, men of rank and respectability, continue unalterable in their resolution, &c'.

3. Clause first, Section 6, Regulation XV, 1810, declared that all religious edifices shall be exempt from the payment of the tax on houses: It may be proper to define more particularly in a future Regulation the import of those terms. But in the meantime, his Lordship-in-Council desires, that in carrying the provisions of the Regulation into effect the greatest latitude may be allowed to that exemption, which the terms of the foregoing clause will reasonably and properly admit. His Lordship-in-Council likewise desires that you will report in concert with the Collector the different descriptions of religious buildings which may be exempted under the rule above mentioned, and the present orders of Government, from the payment of the tax, in order that the necessary explanation on the subject (as already noticed) may be inserted in a future Regulation.

4. The Governor-General-in-Council has observed with great satisfaction the meritorious conduct of Baboo Sheo Narain Singh on the present occasion. You will, accordingly, acquaint him that the Governor-General has been requested to present Baboo Sheo Narain Singh with a Khelaut, as a particular testimony of the approbation by Government of his exertions in supplying the Bazars, and in otherwise aiding in the maintenance of the public tranquility.

5. I am directed to add that the Governor-General-in-Council entirely approves the measures adopted by you on the present emergency; your conduct appearing to his Lordship-in-Council to combine proper firmness with the greatest possible moderation and indulgence towards the misguided people, by whom the present unhappy disturbances have been excited.

Council Chamber
January 11, 1811

I am & c
G. Dowdeswell,
Secretary to Government,
Judicial Department

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I.A.14. *Government to Acting Magistrate, Benares*

11.1.1811

Sir,

In continuation of my letter of the present date, I am directed to acquaint you that in carrying into effect the provisions of Regulation XV, 1810, it is not the intention of Government that the houses of the lowest orders of the people should be subject to the tax established by that Regulation: that is, of those classes, who might be subject to distress from the payment of it, while its produce from the very inconsiderable value of the buildings could not be an object to Government.

2. The Governor-General-in-Council is not at present prepared to determine the precise rent, or commuted annual produce, of the buildings to which the above mentioned exemption should extend; but his Lordship-in-Council has deemed it advisable to apprise you generally of the sentiments entertained by Government on this point. Previously to communicating the present orders to the different classes of people, who may be benefited by their operation, you will naturally consider in what mode it can be done, without compromising the public authority or weakening the sentiments of respect which it is so essential that the community should feel, especially at the present juncture, for the Government. The change of circumstances, which may have already occurred or which may take place, previously to the receipt by you of the present orders of Government, precludes the Governor-General-in-Council from furnishing you with any specific instructions on that point, but his Lordship-in-Council would hope that the people may have shown themselves deserving of the indulgence proposed to be extended to them by the relinquishment of their late seditious and criminal designs, and by a just submission to public authority.

3. You will, of course, communicate the present letter to the Collector for his immediate guidance in fixing the assessment, who will be furnished with correspondent instructions, as soon as circumstances may admit, through the usual channel of the Board of Commissioners.

I am & c
G. Dowdeswell,
Secretary to Government,
Judicial Department

Council Chamber
January 11, 1811

I.A.15. *Government to Collector, Benares*

7.1.1811

Sir,

I am directed by the Right Hon'ble, the Governor-General-in-Council the receipt of a letter from you dated the 2nd instant, and to acquaint you, that orders have been issued to the Acting Magistrate of Benares for enforcing the provisions of Regulation XV, 1810.

The Acting Magistrate has been desired to communicate to you the instructions of Government on this question to which you will accordingly conform.

I am & c
G. Dowdeswell,
Secretary to Government,
Revenue Department

Council Chamber
January 7, 1811

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I.A.16. *Acting Magistrate, Benares to Government*

18.1.1811

Sir,

I lose no time in submitting the enclosed papers for the consideration of Government.

2. In my address of the 8th instant, I had the satisfaction to report, that the agitation among the inhabitants of this city had in considerable degree subsided, and that I confidently expected the combination, formed to resist the orders of Government, would speedily be dissolved; the disposition manifested by the people induced me to entertain that expectation until the 13th instant, when I communicated the resolution of Government not to rescind the Regulation XV, 1810, to the principal native inhabitants of Benares, in the hope that there would be no necessity of resorting to military force to compel the people to submit to it. (copy of the proclamation delivered to them is also enclosed)

3. The day after this resolution was communicated, the people began again to collect together, for the ostensible purpose

of proceeding in a body to present a petition at the presidency. In this state of things I received the Government proclamation, and thinking that it would be of service in reclaiming the people from their unjustifiable proceedings, I proposed to publish it. Major-General Macdonald, however, did not consider himself in a state to afford me the support I might require, and after the sentiments expressed by him at a conference held this morning at Mr. Brooke's, I have deemed it necessary under the instructions of Government to submit to his opinion, although I see no ground for apprehending that the people would resist, by open violence, the direct authority of Government.

4. The reinforcement, which Major-General Macdonald expects from Lucknow, cannot arrive, I am informed, in less than six or eight days. I will endeavour in the meantime to counteract, by all the means in my power, the injury which the public service sustains, under the present circumstances.

5. As long as the people persevere in these unjustifiable proceedings, they are totally undeserving of indulgence, and it is impossible to communicate to them the benevolent intentions of the Government. I have given the necessary information to the Collector for his immediate guidance in fixing the assessment, but I do not conceive it possible, without compromising the authority of Government, officially to communicate it to the public, until the people shall have shown themselves worthy of the consideration proposed to be extended to them, by the relinquishment of their seditious and criminal designs, and by a just submission to public authority.

City of Benares I have & c
January 18, 1811 W.W. Bird, Acting Magistrate

I have & c
W.W. Bird, Acting Magistrate

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I.A.16 (a) Major-General Macdonald to Acting Magistrate, Benares.

12.1.1811

Sir,

I have the honour to acknowledge the receipt, just now, of your letter of this date, enclosing a copy of the letter from the Secretary to Government, Judicial Department, to your address communicating to you the intention of Government, to enforce the collection of the tax upon houses, &c, to concert with me,

the arrangement that should be adopted for the suppression of any attempt, that shall be made, to resist your authority, or that of the Collector, which I should be ready, at any time you please to point out, to carry into effect, by a personal conference, if you please, and it will be agreeable and convenient. I will be at Mr. Brooke's house, as if by chance, tomorrow morning, at or before 8 o'clock for the purpose. As several points, on which I want full information, will be necessary to be gone into: ere a proper arrangement can be made, to wit.

The temper of the public mind at present, the disposition of the mob assembled, whether to resist, when the determination of the Government shall be made known, or to break up the unlawful assembly: and again petition Government. What effect, you imagine will be produced, when it shall be known, the Phatuckbunde is to be abolished: if this may, or not, occasion a separation of the inhabitants of the city, affected by the Phatuckbunde, from those of the suburbs, & c, and cause the assembly to break-up; and the people to return to their habitations, and respective occupations. Whether it might not be prudent to try the effort of making this known, previous to the other being declared. This I mention merely as a suggestion. It will be necessary, I should know the descriptions of persons, their names, ranks and influence, who have been the secret movers, in this combination, whom you think should be called to account, and if any of these are amongst the mob; if the Goshains are concerned, what sects and to what extent, as to numbers. If the Rajpoots are with the mob in any number and if you have reason to think, the Rajpoots will join these Goshains and others, when it shall be proclaimed, the tax is to be enforced. Whether or not the Mahrattah, who are fixed inhabitants of the place, are concerned, are any of them with the mob, and of what rank and description. If these people (the fighting castes including Mahomedans) can easily arm themselves: and how soon you imagine they could appear in condition, to make resistance. And if you can say, whether or not those about His Highness Amrut Rao, are disposed to stand quite neuter. Lastly, what aid you think the Rajah of Benares will or can afford in order to enable you to carry into effect the orders of Government.

On the various points herein stated, I should be glad to have a few words in writing.

Benares
5 P.M., January 12, 1811

I have & c
J. Macdonald, Maj.-General

I.A.16 (b). *Substance of the verbal communication made by Mr. Bird, the Acting Magistrate of the city of Benares, to Major-General Macdonald, commanding the station, during the conference at Mr. Brooke's house on the 13th January 1811*

That the temper of the public mind appeared to continue very unfavourable towards the Government, and that the people both in the Mofusil and in the city, were unanimous in one common effort, to obtain the abolition of the imposts of which they respectively complained. That men of all classes and description, from the highest to the lowest, whether Mahomedans or Hindoos, Jolahirs, Rajpoots and Goshains included, were all of one mind, and engaged by oath to promote the common cause. But it was the opinion of the Acting Magistrate, that they had no preconcerted plan of resistance by open violence, that it was rather their object to provoke the orders of Government to offer violence upon them, in order to make out a case of oppression against the Government, to be presented in the first instance to the Supreme Court of Judicature in Calcutta. That it was, under these circumstances, advisable to avoid even the appearance of measures calculated to produce that effect, but to leave the people entirely to themselves, and in that state, to promulgate the orders of Government without hesitation or delay. That as the people were disarmed, the effect of the orders of Government upon the public mind, would be perceived, in any case, soon enough to call forth the troops, so as to prevent mischief ensuing from an attempt to resist by force of arms, the authority of Government.

The Acting Magistrate also expressed his opinion, that the dependants of His Highness Amrut Rao would certainly stand neuter, and that His Highness himself would be disposed, if called upon, to support the Government, but that no assistance could be expected from the Rajah of Benares.

This communication was committed to writing
by Mr Bird and delivered
to Maj-Gen Macdonald
by Mr Brooke.

W. W Bird
Acting Magistrate

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I.A.16 (c). At a conference held in at Mr Brooke's house on Friday, the 18th January 1811, between Major-General Macdonald and Mr W.W. Bird, in which Mr Bird proposes to carry into effect tomorrow morning, the Proclamation of Government, under date the 7th instant, in the mode prescribed by Government.

Major-General Macdonald objects to the immediate execution of the orders of Government, until he shall be better prepared by the arrival of a battalion from the 4th Regiment Native Infantry, unless Mr Bird positively assures the Major-General that the military will not be opposed, and upon his own responsibility calls upon the Major-General immediately and without delay to employ the present force, which the Major-General has. The Major-General informs Mr Bird that his present disposable native force, including four companies of volunteers, does not exceed 500 Firelocks, and His Majesty's 67th Regiment should not, the Major-General thinks, be employed but in the very last extremity. The risk is too great in the Major-General's opinion; as if in event of resistance any blood of Brahmins or of religious orders be split, the consequences might be most serious. The Major-General now expresses his opinion, as he did on a former meeting; and that as the people have since changed their ground with the apparent intention of moving away, they should be allowed to disperse of themselves.

Mr Bird adverting to the expression made use of by Major-General Macdonald, as to the apparent intention of the people to move away, begs leave to remark, that those words may bear a meaning of moving away to their own houses, which in fact would be obeying these orders of Government before promulgation. If such be the opinion of the Major-General, Mr Bird is sorry he cannot accede to it. Mr Bird has every reason to suppose that these persons have moved away from their original ground with the intention of going in a body to Calcutta. Mr Bird further can only repeat the opinion recorded in his official letter to Major-General Macdonald, under date the 16th instant (which was an error of writing for the 17th), as to the part which may be taken by the Rajpoots and the other fighting tribes, on carrying into effect the orders of Government. Still after what Major-General Macdonald has expressed, Mr Bird does not think himself authorised to act upon his own opinion and consequently shall not publish the Government Proclamation.

In reply, Major-General Macdonald observes that by the people moving away, he did not mean to declare whither they

were moving, whether to their houses or elsewhere the Major-General cannot pretend to say.

J. Macdonald, Major-General
W.W. Bird. Acting Magistrate

Committed to writing and signed in our presence,

W.A. Brooke,
J.D. Erskine,
W.O. Salmon.

After signing the above, the Major-General adds, that if under any change of circumstances, Mr Bird should be of opinion that the present military force which the General has, should be immediately called for and employed, and Mr Bird should in consequence so call upon the Major-General to that effect, Major-General Macdonald will forthwith comply.

J. Macdonald, Major-General
(*witnessed as above*)

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I.A.17. *Acting Magistrate, Benares to Government*

20.1.1811

Sir,

Very little alteration has taken place in the state of affairs at this city since the date of my last letter forwarded by express. The people still continue collected as they were, and unless their perseverance shall yield to fatigue and disappointment, I see but little reason to hope for any very favourable change, until circumstances enable me to carry into effect the orders of Government.

2. Soon after the resolution of Government not to rescind Regulation XV, 1810, was promulgated, inflammatory papers of the most objectionable tendency, appeared placarded about the streets. I have the honour to enclose 7 copies of two of these papers to be laid before the Government, I have offered a reward of Rs.500 for every man on whom such a paper may be found, and hope that this reward will not be thought more considerable than the nature and exigency of the case required.

3. It can easily be understood that in the present state of

things, little or no progress is made in the assessment, and that it becomes every day an object of greater importance to disperse the people, and compel them to put an end to their seditious and unwarrantable proceedings. As Major-General Macdonald considers an additional force indispensable for that purpose, I am most anxious it should arrive; that I may carry into effect the orders of Government. I can not but feel very forcibly, that such a state of things being permitted to continue in defiance of public authority, has already weakened, and weakens daily still more and more, those sentiments of respect, which it is so essential that the community should entertain for the Government of the country.

City of Benares
January 20, 1811

I have & c
W.W. Bird, Acting Magistrate

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I.A.18. *Acting Magistrate, Benares to Government*

28.1.1811

Sir,

From my letters under date the 18th and 20th instant the Right Hon'ble, the Governor-General-in-Council will have become acquainted with the circumstances which prevented me from carrying into effect the orders of Government, and the very critical situation in which these circumstances placed me.

2. The authority of Government was openly disregarded and insulted, the whole population of the city was in a state of acknowledged disobedience and insubordination, and the public mind was agitated by the proceedings of a mob, collected for the avowed purpose of resisting the orders of Government, and of deliberating on the best mode of extorting compliance with their demands. They expected to extort this compliance by threatening to proceed in a body to Calcutta, through all the cities subject in common with themselves to the grievance which they had assembled to resist, and in case their threat should not produce the effect which was expected, they resolved actually to carry it into operation.

3. As soon as the people perceived that the threat of proceeding to Calcutta would never extort the object intended by it, they began to concert measures to undertake the journey. They determined that the proprietor of every house in the city should

either go himself, or send a person to represent him, or contribute, in proportion to his means to defray the expenses of those who might be disposed to go.

4. The religious orders exerted all their influence over the prejudices and superstitions of the people to persuade them to conform to this determination, but their efforts were unsuccessful. When it came to the point, few were found disposed to undertake a journey on which they were likely to be obstructed: nor were they willing to contribute to promote the scheme, the object of which, they were fully convinced, would never be accomplished.

5. This disappointment occasioned among them considerable embarrassment, and they resolved in consequence to try the effect of another application to public authority. They accordingly presented a petition (a copy and translation of which is enclosed) to the judges of the provincial court, in the hope of obtaining from the interposition of that court, some resolution in their favour.

6. The total rejection of this petition multiplied their difficulties, and induced several sensible and reflecting persons to withdraw their support from the undertaking. The people in general began to perceive, that they were involved in difficulties from which they could not extricate themselves with credit. They were now sensible that Government would never yield to clamour and unlawful combinations; but they were still kept together by a consciousness of their offences, by the fear of the punishment which awaited them, and by the dread of the obloquy they must incur, by relinquishing the object for which they had so unsuccessfully contended.

7. This favourable state of things was greatly improved by the zeal and activity of Sieud Akber Allee Khan, that old and faithful public servant, who with the assistance of Moulvee Ubdool Kadir Khan, the agent between Mr. Brooke and his Highness Umrut Rao, exerted himself most successfully in counteracting the projects of the mob, and in adding to their embarrassments. At length, the people, perplexed and irresolute, began to apprehend that as the Government were regularly made acquainted with all their proceedings, their conduct so far from obtaining the object of their demands, would ultimately draw upon themselves the most serious evils.

8. Full of these apprehensions, they sought only a plea for reconciling to themselves the necessity of returning to obedience, and with this view, they informed me on the morning of the 23rd

instant that they were willing to disperse, provided I came to them in person to request it. But after the public affronts which they had repeatedly offered to the authority of Government, I did not think it would be proper to grant them this indulgence, and I accordingly declined complying with their request. At the same time, a plan was requested to me by Sieud Akber Alee Khan, which promised to be equally successful, and of which circumstances soon enabled me to avail myself.

9. Mr. Brooke, who immediately on the receipt of my letter had returned to his station, and on his arrival, exerted himself to the utmost for the support of my authority, by exercising his influence to induce the native inhabitants of rank to aid in suppressing the disturbance, prevailed with the Rajah of Benares to return from his country residence to the city, and the Rajah appeared to be the most proper instrument of inspiring the people with a due sense of their duty, and of the evils to which they would be exposed by further perseverance in their misconduct.

10. This was very successfully managed by the agency of the two persons above mentioned, Sieud Akber Allee Khan, and Ubdoool Kadir Khan. The people were taught to look to the intercession of the Rajah for forgiveness, and the Rajah, whose emulation had been excited by the distinction conferred upon Baboo Sheo Narain Singh, easily understood that by exerting himself on this occasion he would augment his claim upon the esteem and confidence of Government. The matter being thus arranged, the Raja conducted himself in a manner deserving the highest approbation. He proceeded with all the distinctions of his rank to the place where the people were collected, the mob soon listened to his exhortations, and returned to their homes, and the Rajah, selecting from among them, fifty of the persons principally concerned with the disturbance, brought them to me to acknowledge their offences; while the Raja himself interceded in their behalf and solicited me to endeavour to procure both for themselves and for the subject of their complaint, the indulgence of the Government.

11. Thus tranquility has been completely restored, and Regulation XV, 1810, can be carried into effect without any further opposition. The tax imposed by it however on the houses of this city, continues nevertheless to be most objectionable to the feelings of its inhabitants, who can not be dissuaded from considering it in the light of an encroachment on their privileges. With such an impression of the nature of the tax, all that delicacy for the feelings of the people, which the Collector prudently pays to them, must still continue to be observed in the mode of

assessing and collecting it. I have reason to believe that it would tend in some degree to reconcile them to the measure, if the expense of the Phatuckbundee instead of being defrayed from the general resources of Government shall be provided for by a remission in the assessment of the tax on houses, equal to the amount of the contribution which the proprietors are subjected to for the Phatuckbundee. The inhabitants are accustomed to the latter and contribute without reluctance to the support of an establishment, by which themselves and their property are protected. If Government consent to this alteration, it would not only increase the public revenue, but be received with gratitude by the people, who as soon as it is proper to acquaint them with the exemption to be extended to the poor, and to certain classes of the religious orders, will I trust be sensible of the indulgence of the Government.

12. It remains to consider the course which it will be expedient to pursue towards those persons by whom the late seditious proceedings have been excited. There is no doubt that the conduct of many of them has been highly criminal, and deserves the most exemplary punishment. But the hearts of every man in this city are united with them, and there are very few, who have not in some way or other, afforded them encouragement and assistance. If they are brought to trial, it will not tend to remove the present discontents, whereas a proclamation of general pardon would fill all classes of people with gratitude to Government for its lenity, and leave a lasting impression of the tenderness which it is disposed to extend, even under the present circumstances, to its subjects. Much indulgence is due to them for their late unconditional submission, for abstaining from every act of violent resistance, under the state into which their feelings had betrayed them, and for throwing themselves at last, conscious as they feel of their offences, upon the mercy of those whom they had offended. Enough perhaps has already been done for the support of the public authority and if the principal offenders are merely required to enter into a recognizance, engaging to take no part again in tumultuary meetings and proceedings, it will be sufficient, I am of opinion, to prevent the recurrence of similar disturbances.

13. I think it my duty to solicit his Lordship in Council, to bestow some mark of approbation on the conduct of Sieud Akber Allee Khan, and Moulvee Ubdoool Kadir Khan, whose conduct on this emergency has proved them in the highest degree zealous for the public service. I beg also to make favourable mention of

Baboo Jumna Das, the principal native merchant in Benares, who from the time that the orders of Government were promulgated, laudably exerted himself to the utmost of his power, to enforce obedience to its authority.

14. I can not close this address without publicly acknowledging to my assistant Mr Glyn, the great support I have received upon this occasion from his diligence and exertions.

City of Benares
28th January 1811

I have the honour to be & c
W.W. Bird, Acting Magistrate

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I.A.18 (a). *Order of the Court of Appeal and Circuit on Petition*

ORDER

In the opinion of the judges of the Court this petition is not cognisable by the Court of Appeal or Court of Circuit. Besides it appears that this petition has been presented on the part of people who are determinately engaged in mobs and assemblies contrary to the Regulations, which is highly improper; also the style and contents of this petition are disrespectful which is an additional reason for not allowing of it.

W. A. Brooke, Senior Judge
J. D. Erskine, Acting 3rd Judge
Judges of the Court of Appeal
and Circuit for the Division of Benares

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I.A.19. *Government to Acting Magistrate, Benares*

4.2.1811

The Acting Magistrate of Benares
Sir,

I am directed by the Right Hon'ble the Governor General in Council to acknowledge the receipt of your letters dated the 8th, 18th, 20th and 28th ultimo with their enclosures.

2. 8th, 18th and 20th ultimo require no particular orders.
3. 28th ultimo. The Governor General in Council has derived great satisfaction from learning that the people who had

assembled with the view of defeating the object of Regulation XV, 1810 had dispersed and submitted to public authority.

4. The Governor General in Council approves generally the course pursued by you with a view to the accomplishment of the important object.

5. His Lordship in Council has observed with the highest satisfaction the proofs given by the Rajah of Benares on the present occasion, of his zeal for the public interests, and of his solicitude for the prevention of those evils in which the misguided people of the city of Benares might have involved themselves by a longer perseverance in their seditious conduct and resistance to the authority of Government. These sentiments will be expressed in a letter from the Governor General to the Rajah accompanied with a Khelaut as a mark of the high sense which Government entertains of his meritorious conduct.

6. The exertions of Syed Akber Allee Khan, Moulvee Ubdool Kadir Khan and Baboo Jumna Das, for the re-establishment of the public tranquility, have likewise been noted with the highest approbation by the Governor General in Council. Khelautes will accordingly be presented by the Governor General to those persons respectively in testimony of the sense which Government entertains of their services on the present occasion.

7. The Governor General in Council does not discern any substantial grounds for granting a general pardon to the people of Benares for their late unwarrantable and seditious proceedings. On the contrary his Lordship in Council is of opinion, that public justice and obvious expediency of preventing by seasonal examples the recurrence of such evils in future, require that the persons, who have been chiefly instrumental in exciting the late disturbances, should be regularly brought to trial for that offense. The Governor General in Council is at the same time of opinion that the prosecutions need not be numerous. You will accordingly report the names of the individuals against whom you would propose in conformity to the sentiments here expressed, that prosecutions should be instituted, together with the grounds on which you may consider the persons so selected as the fittest objects for example.

8. His Lordship in Council is not aware of any objection to the modification proposed by you to be made of the orders of Government of the 5th ultimo, respecting the Phatuckbundee. The Board of Commissioners will be accordingly desired to instruct the Collector of Benares to carry your suggestions on

that point into effect, or to report, should any objections occur to the Board to the adoption of them.

9. The Governor General in Council has not failed to notice the favourable testimony borne by you to the diligence and exertions of your Assistant, Mr Glyn.

10. His Lordship in Council likewise observed with the highest satisfaction and approbation the prudence, judgement and firmness manifested by yourself in the discharge of the important duty imposed upon by the late occurrences at the city of Benares.

I am & c
G. Dowdeswell

Council Chambers
February 4, 1811

Secretary to Government,
Judicial Department

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I.A.20. *The Acting Magistrate of Benares to Government*

7.2.1811

G. Dowdeswell Esq.,
Secretary to Government, Judicial Department
Fort William

Sir,

I have the honour to enclose a petition, which has been presented to me by the Rajah of Benares in the name of the inhabitants of the city, to be submitted to the Right Hon'ble the Governor General in Council, for his consideration and orders.

2. This petition is intended as an ultimate appeal to Government, against the provisions of Regulation XV, 1810. The petitions presented in the first instance to the civil authorities at this station, having, as stated by the petitioners themselves, been rejected, they present themselves at last before his Lordship in Council; and although the petitioners are fully aware that their case has already received the decision of his Lordship, yet it would be imprudent at the present moment to refuse forwarding the petition, and encounter, by such refusal, that general discontent and irritation, which would naturally be excited by it.

3. As the whole of the case now submitted has already been fully before the Government, it would be superfluous in me to make any particular observations upon the contents of the

petition. I feel it to be my duty however, to state generally for the information of the Government, what I believe to be the real sentiments of the people. I believe the objection which they entertain against the measure in question, is pointed exclusively at the nature and principle of the tax, and not in the least at the rate of assessment by which it will be realised. The inhabitants of this city appear to consider it an innovation, which, according to the laws and usages of the country, they imagine no government has the right to introduce; and that unless they protest against it, the tax will speedily be increased, and the principle of it extended so as to affect every thing which they call their own. Under the circumstances, I fear, they will not easily reconcile themselves to the measure. To declare the assessment permanently limited to the rate established by the Regulation, would of course be satisfactory to them; yet the general repugnance is to the tax itself, and while the inhabitants at large profess themselves disposed to submit to any tax, however oppressive, if established according to the usages of the country, they appear to think it a hardship to be compelled to contribute a sum, however inconsiderable, in any mode to which they are unaccustomed.

4. I have refrained from making any observation to the petitioners on the contents of their petition, for since it is ostensibly an appeal to superior authority, it would be improper in me to anticipate the sentiments of Government, by attempting to explain away the errors into which the petitioners have, perhaps intentionally, fallen. Upon the same principle, I have abstained from communicating to the public, the exemption proposed to be extended to particular classes by the orders of Government under date the 11th ultimo. As the people have returned unconditionally to obedience every act of indulgence which the Government may determine to extend to them, would perhaps be better adopted to produce the effect proposed by it, if understood to be granted to the petitioners by the Government itself, in consequence of their representations.

5. I have only to add that the inhabitants of this city have continued since the date of my last address very peaceable and quiet, and that I believe they have every disposition at present to remain so.

City of Benares
February 7, 1811

I have & c
W.W Bird, Acting Magistrate

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I.A.21. *Government to the Acting Magistrate, Benares*

16.2.1811

The Acting Magistrate of the City of Benares

Sir,

I am directed by the Right Hon'ble the Governor-General-in-Council to acknowledge the receipt of a letter from you dated the 7th instant, enclosing a copy of a petition from the inhabitants of the city of Benares.

2. The Governor General in Council observes that you have acted with perfect propriety in forwarding the petition to Government; at the same time his Lordship in Council does not discern in the circumstances stated by you any substantial ground for the step taken by you of suspending the communication of the intended modifications of the tax to the present period. At all events he desires that the alterations proposed to be adopted with respect to the rules established by Regulation XV, 1810 may be made known to the community on the receipt of this letter.

3. The details of the arrangements connected with the Phatuckbundee and with the exemption from the tax proposed to be granted in favour of the religious orders and of the indigent classes of the people will naturally engage the attention of the Collector under the directions of the Board of Commissioners, to whom the necessary communication has been made of the resolution passed by Government on those points.

4. After the foregoing remarks and orders it can scarcely be necessary to add, that the Governor General in Council does not think proper to comply with the application of the inhabitants of Benares to any greater extent than will be done by the operation of the orders above noticed, which his Lordship in Council is of opinion should obviate all further complaint or discontent with respect to the tax in question.

I am & c
G. Dowdeswell,
Secretary to Government,
Judicial Department

February 16, 1811
Council Chamber

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I.A.22. *Magistrate of Benares to Government*

23.2.1811

G. Dowdeswell Esq.,
Secretary to Government, Judicial Department
Fort William

Sir,

I was favoured yesterday morning with the orders of Government of the 16th instant on the petition submitted by the late Acting Magistrate on the 7th instant from the inhabitants of the city of Benares.

2. The Rajah of Benares attended me this morning pursuant to notice, accompanied by several of the principal inhabitants of the city, for the purpose of receiving from me a communication of the orders in question; and also of the alterations proposed to be adopted with respect to the rules established by Regulation XV, 1810 and the modification of the former orders of Government of the 5th ultimo regarding the Phautuckbundee.

3. The resolution of Government on the foregoing points were made known to them by me in the presence of the Assistant Magistrate in the words of the enclosed proclamation, which was afterwards published in the city for general information. English translation of the proclamation is herewith submitted.

4. The measure adopted by Mr. Bird of withholding notice of the intended modification of the house tax at a period when the people were in a stage of open and lawless sedition has afforded me an opportunity of making the communication known to them in a mode less liable to objection, and more likely to be attended with benefit, than any which could then have been devised. The resolution in favour of the religious orders, and lower classes of the people, which, at the time the inhabitants at large were petitioning the Government for a total repeal of the tax, would have been treated certainly with indifference, and perhaps with contempt and scorn; will since the prayer of their petition has been peremptorily rejected, be at least received as an act of favour and indulgence as far as it goes, and tend to a certain extent to restrain them from expressing those undisguised sentiments of discontent with the Government, and disregard for all public authority, which they have hitherto so openly avowed.

5. I can as yet form no decisive opinion on the general effect which the communication of today may produce in the

minds of the people; but the exemption in favour of the religious orders was received by the persons who waited on me this morning with much apparent satisfaction.

Magistrate's Office
City of Benares
February 23, 1811

I have & c
Edward Watson
Magistrate

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I.A.22 (a). *Proclamation*

The petition of the inhabitants of the city of Benares regarding the tax on houses presented by Rajah Oudit Naraine Singh Behadre to Mr. W. W. Bird, the late Acting Magistrate, having been submitted by him to the Right Hon'ble the Governor General in Council in a letter dated the 7th February 1811, the orders of Government have been since notified thereon that the Governor General in Council does not think proper to comply with the application of the inhabitants of Benares to a greater extent than will be done by the operation of the following indulgences:

First, Clause 1st section 6 Regulation XV, 1810 declares that all religious edifices shall be exempt from the payment of the tax on houses. The import of those terms will be defined more particularly in a future regulation. In the meantime the Governor General in Council desires that the Collector in carrying the provisions of the Regulation into effect do allow the greatest latitude to that exemption which the terms of the foregoing clause will reasonably and properly admit, and that the Magistrate do report in concert with the Collector, the different descriptions of religious buildings which may be exempted under the rule above mentioned and the present orders of Government from the payment of the tax in order that the necessary explanation on the subject as already noticed may be inserted in a future regulation.

Second, it is not the intention of Government that the houses of the lower orders of the people who would be subject to distress from the payment of the tax, while its produce would be so inconsiderable as not to be an object of Government, should be liable to the tax established by Regulation XV, 1810.

Third, on January 5, 1811 it was resolved that the inhabitants of Benares should be relieved from the contribution on account

of the Phatuckbundee and that the pay of the chokeydars and repair of the gateways should be defrayed from the public treasury which resolution was accordingly made known in the proclamation of the 13th of that month. It was afterwards suggested to Government that if the expense of the Phatuckbundee instead of being defrayed from the public treasury, was provided for by a remission in the assessment of the tax on houses equal to the amount of the Phatuckbundee contribution leaving the proprietor of each house to pay of his own accord his quota of the contribution through the Mohullahdar as heretofore, it would be an indulgence to the people. An order was received in reply that Government were not aware of any objection to the modification proposed to be made in the orders of the 5th of January respecting the Phatuckbundee, and that the Board of Commissioners would be desired to instruct the Collector to carry the foregoing suggestion into effect or to report should any objection occur to the Board to the adoption of them.

It has been since notified in the orders of Government of February 16, that the resolution passed by Government in regard to the Phatuckbundee and the exemption from the tax in favour of the religious orders and the indigent classes of the people, have been communicated to the Board of Commissioners and that the details of those arrangements will be conducted by the Collector under the directions of the Board.

That no ground now remains for the complaint or discontent. (True translation)

Edward Watson,
Magistrate

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I.A.23. *Late Acting Magistrate to Government*

23.2.1811

G. Dowdeswell Esq.,
Secretary to Government, Judicial Department
Fort William

Sir,

It has been very painful to me to observe in the orders of Government dated the 16th instant, that his Lordship in Council does not discern in the circumstances stated by me any

substantial grounds for the step taken by me of suspending the communication of the intended modification of the tax to the present period.

2. I am induced to hope that I have been so unfortunate as to draw upon myself this remark solely by the imperfect expression of the sentiments contained in the 4th paragraph of my letter addressed to you on the 7th instant. I therefore beg leave to submit the following explanation.

3. It was my intention to express in my letter addressed to you on the 7th instant, that the intended modification of the tax could not I imagined be communicated, until the answer of Government should be received on the petition then transmitted, without leading the people to believe that the modification in question was the result of their illegal and tumultuary proceedings, rather than a spontaneous act of favour on the part of the Government in consequence of their submission. It becomes then a question of policy whether it would not be most advisable to suspend the communication of the resolution of Government in their favour, until a final order could be received on their ultimate appeal, the only representation which had been made in a peaceable and respectable manner. I availed myself therefore of the discretion vested in me by the orders of Government under date the 11th ultimo, to defer the communication in question, as the best and indeed only mode of upholding those sentiments of respect, which it appeared so essential that the community should entertain for the public authority.

4. Feeling most anxious to remove every doubt respecting the principles by which my conduct has been governed on this occasion, I have considered it incumbent on me to make the foregoing explanations. I deeply lament that any step taken by me should deserve to be excepted from that general approbation, with which my measures on this emergency have been honoured by the Governor General in Council.

City of Benares
February 23, 1811

I have & c
W.W. Bird,
Late Acting Magistrate

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I.A.24. *Government to Magistrate, Benares*

6.3.1811

The Magistrate of the City of Benares

Sir,

I am directed by the Right Hon'ble the Governor General in Council to acknowledge the receipt of your letter of the 23rd ultimo and likewise a letter from the Assistant Magistrate of the same date.

2. The communications contained in your own letter do not appear to require any remarks or orders.

3. The Governor General in Council is perfectly satisfied that Mr. Bird was actuated by the best intentions in suspending the communication of the modifications adopted in the house tax. It was never indeed intended in the slightest degree to impeach the purity of his intentions with respect to that question; any further expression of the sentiments of Government on the subject is at present clearly unnecessary.

Council Chamber
the 6th March, 1811

I am & c
G. Dowdeswell,
Secretary to Government,
Judicial Department

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I.A.25. *Report of Collector of Benares on the operation of the House Tax*

28.12.1811

(Extract)

...At an early period I directed my native officers to tender to all the householders or tenants whose houses had already been assessed, a note purporting the computed rate of rent of each house and the rate of tax fixed thereby and I issued at the same time a proclamation directing all persons who had objections of any nature to offer to the rates of rent or tax mentioned in such note to attend and make known the same that every necessary enquiry might be made and all consistent redress afforded. In the above mentioned proclamation, I fixed a day in the week for specially bearing such cases and repaired to the city for that

purpose. Neither would any householder or tenant receive such note nor did any one attend to present petition or offer objection. The most in sullen silence permitted the assessors to proceed as they pleased rigidly observing the rule to give no information or to answer any questions respecting the tax; in determination that they would not in any wise be consenting to the measure, that the assessors might assess and the executive officers of the tax might realise by distraint of personal or real property; they could not resist but they would not concur. Some few, more contumacious or violent than the rest impeded and attempted to resist the officers of the tax but owing to the admirable conduct and caution of Mohummud Tukkee Khan to whom I committed the charge, frays and riots were avoided though no assistance was afforded by the police officers and the assessment gradually went on.

A few exceptions were found in some of the principal inhabitants of the city either in the immediate employ of Government or in some degree connected with the concerns of Government or otherwise individually interested in manifesting their obedience and loyalty. These persons waited on me and delivered in a statement of their houses and promises and the actual or computed rent of the same and acknowledged the assessment of tax.

The statement of assessment includes all descriptions of houses excepting such as by Regulation above mentioned or the explicit orders of Government are liable to be exempted. But there are many edifices, tenements &c upon which it is doubtful whether the tax should operate.

...In the present state of things I am not aware that it is necessary to enter more into detail as to the mode of collecting the tax. It is doubtful whether Government will enforce it and from what I have seen of difficulties attending the measure, the little benefit likely to arise to Government from it, and the insuperable reluctance of more than half a million of persons, I submit with all due deference that whilst the abrogation would be gratefully acknowledged by the people, it would be a measure of policy as well as of favour on the part of the sovereign Government to have been pleased to direct that the progress of assessment should be stayed at those stations at which commotions may not exist at the period of the receipt of their orders. At this time commotions certainly do not exist but neither I or I fancy, the Magistrate can presume to say that they will not arise if the operation of the tax shall be again set on foot. I have already noticed the sullen silence with which the householders viewed

the census taken and their determination neither to acknowledge or deny the assessment and I should most strenuously urge as an indispensable measure of precaution, that no collection be attempted without the presence of a much larger military force than is now at the station.

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B. EVENTS AT PATNA

I.B.1. *Acting Magistrate of Patna to Government*

2.1.1811

Sir,

I have the honour to forward twelve petitions which have been presented to me by the inhabitants of the city of Patna praying for a relief from the house tax ordered to be levied under Regulation XV, 1810 and request that you will lay them before the hon'ble the Governor General in Council for his consideration and orders.

Patna
2 January 1811

I have & c
R.R. Gardiner, Acting Magistrate

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I.B.2. *Government to Acting Magistrate, Patna*

8.1.1811

Sir,

I am directed by the Governor General in Council to acknowledge the receipt of your letter of the 2nd instant, enclosing petitions from the inhabitants of the city of Patna respecting the house tax established by Regulation XV, 1810.

2. The Governor General in Council having recently had occasion to consider very maturely similar petitions from the inhabitants of Benares, I am directed to acquaint you that it has not been deemed advisable to rescind the above mentioned Regulation, and that orders have been issued for carrying the

provisions of it into effect at that city. Accordingly his Lordship in Council has judged it expedient that you and the Acting Collector should be put in possession of the above mentioned information without delay. The time and mode of communicating this resolution to the petitioners or the native part of the community are left however for your discretion, for the guidance of which I am directed to observe that it is deemed highly desirable to avoid as far as possible, giving occasion to general irritation, or to keep back by temperate and prudent management any disposition that may exist to form combinations or to adopt measures of open opposition to the tax at Patna, while the discussion is depending at Benares, and in conformity with those views it will of course be proper to discountenance by all gentle and conciliatory means, meetings of the different classes of the people for the purpose of preparing or presenting petitions against the Regulation.

3. The Governor General in Council trusts that the foregoing orders, combined with your own discretion, will prevent the necessity of adopting any further measures for the enforcement of the Regulation to which this letter refers, or supporting the authority of Government and its officers. Should any tumultuary meetings however take place, or illegal cabals be formed for the purpose of resisting the operation of the rules respecting the house tax (as has unhappily been too much the case at Benares) the Governor-General-in-Council desires that you will report the circumstances without delay to Government; employing at the same time the means, which you possess under the general powers vested in you for the maintenance of the public tranquility; but with the least possible degree of rigour or severity, which the nature and circumstances of the case will permit.

Council Chamber
the 8th January 1811

I am & c
G. Dowdeswell,
Secretary to Government,
Judicial Department

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C. EVENTS AT SARAN

I.C.1. *Acting Magistrate of Sarun to Government*

9.1.1811

Sir,

I request you to acquaint the Right Hon'ble the Governor General in Council that the first intelligence of the house tax, which is in the highest degree unpopular, occasioned a great ferment in the minds of the inhabitants of this place, who presented to me a petition, which I enclose together with a translation of it.

2. When the Collector deputed assessors to arrange the assessment a still greater degree of alarm was created; and notwithstanding all I could do, all the shops of every description were actually shut up, and there was every indication of some very serious disturbance taking place.

3. As there is no military force at this place, and I was apprehensive of acts derogatory to the authority of Government being committed, I was induced to request the Collector to suspend the arrangement or the assessment till I could receive instructions from Government.

4. I trust that what I have done will meet with the approbation of Government, as I have acted to the best of my judgement.

Zillah of Sarun
the 9th January 1811

I have & c
H. Douglas, Acting Magistrate

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I.C.2. *Government to Acting Magistrate, Saran*

18.1.1811

Sir,

I am directed by the Right Hon'ble the Governor General-in-Council to acknowledge the receipt of your letter of the 9th instant enclosing a petition from the inhabitants of Sarun respecting the house tax.

2. The Governor General in Council having lately had under his consideration the provisions of Regulation XV, 1810, desires that no encouragement may be given to the inhabitants of Sarun to expect any general relinquishment of the tax established by that Regulation. It having been determined however to adopt certain modifications of the existing rules in favour of the poorer classes of natives and of mendicants and devotees, I am directed to transmit to you the enclosed copy of a letter which has been written on the subject to the Board of Revenue which you are desired to communicate to the Collector for his immediate guidance in fixing the assessment.

3. The Governor General in Council is unwilling to believe that the inhabitants of Sarun will attempt to offer any open resistance to the establishment of the tax, especially with the restriction, to which the operation of the tax will be subject under the orders above mentioned. It is likewise naturally the wish of his Lordship in Council that all gentle and conciliatory means should be employed to reclaim the people from any factious and illegal attempts to resist the authority of Government. Should circumstances however render it actually necessary, you will of course apply to the officer commanding the troops at Dinafore for such a military force as may be requisite to support the public officers in giving effect to the Regulation and orders of Government.

I am & c
G. Dowdeswell
Secretary to Government,
Judicial Department

Council Chamber
the 18th January 1811

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D. EVENTS AT MOORSHEDABAD

I.D.1. *Acting Magistrate of Moorschedabad to Government*

25.2.1811

G. Dowdeswell Esq.,
Secretary to Government,
Judicial Department,
Fort William

Sir,

It is my duty to report for the information of the Right Hon'ble the Governor-General-in-Council, that the arrangements made for the collection of the house tax recently enacted, have produced serious discontent in the city, and as they approach their completion, disturbances may be apprehended.

Rumours of a combination among the principal merchants to avoid, rather than oppose the tax, by withdrawing from their houses, reached me some days ago. The plan was carried into execution by some of the leading men, and by more of inferior note, but I am happy to add, that I have prevailed on them to return to their houses.

Enclosed I have the honour to transmit two petitions presented to me on the subject: the Persian one, which is accompanied by a translation, was presented to me on the 21st instant, and purports to be generally on the part of the inhabitants of the city. The Bengalee one signed by the inhabitants of Jeengunj (not legible in original) and its environs, was presented to me yesterday, and being of the same tenor with the former does not require translation.

In consequence of a sudden rise in the price of grain, for which no cause could be assigned, in the hope of obtaining information on the subject, I directed some of the principal mahajuns to attend me. They stated that the town duties and the alarm caused by the house tax, prevented the importation of grain into the city, and delivered into my hands the Persian petition, with a request that I would transmit it for the consideration of his lordship in council.

As I considered the petition to be worded in very improper language, I hesitated to comply, stated to them that the town

duties which had existed for eight months past, and the house tax which had not yet been levied, could not be given as reasons for the high price of grain, which was so much complained of, notified to them the powers with which I was vested to prevent extortion on the part of the officers both of the Collectors of Customs and of Revenue, and assured them of my readiness to exercise those powers, whenever occasion might call for them.

They left me on that day with a request, that I would summon all the principal mahajuns, when they would concert with me, what measures could be adopted.

A considerable number accordingly attended me yesterday, and added the Bengalee petition to the Persian one previously presented. Finding that they more urgently required its transmission, and that the disposition to leave the city was gaining ground, I have deemed it my duty, objectionable as the language is, to forward it for the order of the Right Hon'ble the Governor-General-in-Council. In return for this concession, these mahajuns who had taken up their residence in the fields, promised to return to their homes, and they all agreed to use every exertion in their power to lower the price of grain.

The discontent caused by the house tax is, I am convinced to add, very deep and very general, for it extends over all ranks and descriptions of people. In the event therefore of its breaking out into a ferment, I have to solicit his lordship's instructions for my guidance.

I have & c
R. Turner,
Acting Magistrate

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I.D.1 (a) *Petition of the inhabitants of the city of Murshedabad*

21.2.1811

Extract

By the blessing of God the English Gentlemen know, that no king of the earth has oppressed his subjects, and the Almighty preserves his creatures from harm...for some years it has been our unhappy fate to suffer both from affliction and oppression. First, from the prevalence of sickness for several successive years, the city has been depopulated, so much so, that not one half of the inhabitants remain...The oppression of the Town

Duties and Customs is so great, that property of the value of 100 Rs. can not be purchased for 200, the rate of duty is increased twofold and even fourfold, and if any one wishes to remove property from the city to its environs, he can not do it without the payment of a fresh duty...Fourth, order has been passed for levying a tax on houses and shops, which is a new oppression...the order of the Government has in truth struck us like a destructive blast...

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I.D.2. *Government to Acting Magistrate, Moorshedabad*

2.3.1811

The Acting Magistrate of Moorshedabad

Sir,

I am directed by the Right Hon'ble the Governor-General-in-Council to acknowledge the receipt of a letter from you dated the 25th ultimo together with the papers mentioned to accompany it.

2. On the 11th January last, the Governor-General-in-Council was pleased to authorise the adoption of certain alterations in the rules established for the collection of the tax on houses, calculated to afford relief to the religious orders and to the most indigent classes of the people. Those orders his lordship-in-council concludes have been communicated to the Collector of Moorshedabad, in common with the other collectors by the Board of Revenue; for your immediate instruction however, I am directed to transmit to you the enclosed copy of my letter to the Board on the subject.

3. Exclusive of the modifications above noticed, the Governor-General-in-Council on the fullest consideration of the subject, does not deem it advisable to rescind or otherwise alter the provisions contained in Regulation XV, 1810. It consequently only remains to communicate to you the sentiments of Government to the course which should be observed in carrying those provisions into effect.

4. The Governor-General-in-Council is unwilling to believe that the inhabitants of the city of Moorshedabad will persevere in their attempts to oppose the establishment of the tax, especially with the restrictions to which its operations will be

subject under the orders above noticed. It is likewise naturally the wish of Government that all gentle and conciliatory means should be employed, both by yourself and the Superintendent of the Nizamut affairs to reclaim the people from all factious and illegal designs of that nature, so far as these means can be used without compromising the public authority or endangering the peace of the city. Should the inhabitants however proceed, contrary to these reasonable expectations to offer any open resistance to the officers employed by the Collector in adjusting the tax, or to those who may be commissioned by you to support them in the performance of that duty, no alternative remains but that you should apply to the officer commanding the troops at Berhampore for such aid as may be required to enforce the Regulations and orders of Government.

Council Chamber
the 2nd March 1811

I am & c
G. Dowdeswell,
Secretary to Government,
Judicial Department

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E. EVENTS AT BHAGALPUR

I.E.1. *Board of Revenue to His Excellency, Lt. General George Hewett, Vice-President-in-Council, Fort William*

9.10.1811

Hon'ble Sir,

We lose no time in transmitting for the orders of your Excellency in Council a copy of a letter which we have received from the Collector of Bhaugulpore, reporting that the Magistrate of that district has issued a precept to him directing the collection of the house tax to be postponed until this tax should have been collected in the city of Moorshedabad, or in some other city or town.

2. The orders of the Magistrate appear to us, not only inconsistent with the Regulations, but to be in the last degree injudicious and imprudent. The existing rules do not invest the Magistrate with any control in regard to the collection of the tax; and the circumstances of the case do not appear to us, to have

required his special interference. The terms of his order were also, according to our apprehension calculated to promote a combination, between the inhabitants of Bhaugulpore and the inhabitants of the other towns and cities.

Revenue Board
the 9th October 1811

We have & c
G. Dowdeswell
C. Buller

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I.E.2. *Sir F. Hamilton, Collector of Bhaugulpore to Richard Rocke Esq, President and Members of the Board of Revenue, Fort William*

2.10.1811

Gentlemen,

In obedience to the orders contained in your secretary's letter of the 14th August last which I received on the 18th ultimo, I issued the necessary public notification (copy of which accompanies) that the collection of the house tax would immediately take place commencing from the first day of the current Bengal year. A copy of the notification was transmitted to the Magistrate of the district. In consequence however of the holidays and in compliance with the wishes of the inhabitants I consented to postpone the collection till after the expiration of the Dusserah.

2. The day before yesterday, being Monday the 30th September, the collection was to have commenced but on the appearance of the Tehseeldar, they one and all shut up shops and houses. Yesterday the officers of Government were unable to make any progress in their business, and in the evening while I was driving out in my carriage, several thousands of the inhabitants were standing on either side of the road. They neither committed nor offered any violence, but poured forth complaints of the hardness of their situation, and clamorously declared their inability to pay the tax.

3. This forenoon I received a precept from the Magistrate (copy accompanying) requesting I would send the statement of assessment, together with Tehseeldar. With this request I complied. When after a great deal of desultory conversation, respecting the principle upon which he acted, he told the different people to go and open their shops, and sent me a proceeding and English letter which accompanies.

4. This proceeding forms the subject of my present address, and compels me to solicit your Board's orders for my guidance. The Regulation XV of 1810, directs the assessment to be made, and your Board's of the 14th August last, authorises the collection to be commenced. In opposition to both, however, the Magistrate desires me to desist, or at least to postpone the enforcement of the collection, till I have ascertained whether it has taken place in other districts. Now as I know of no Regulation which authorises me to defer the carrying into execution the regulation of Government till I have corresponded with the executive officers of the other districts on the subject, and can not conceive that Magistrates have any the least power to suspend, for a moment, their operation, I am at a considerable loss how to act, in the present instance. I know of no overt act of resistance. My Tehseeldar (whose urzee accompanies) reports indeed, that some had refused payment, on which I directed the process laid down in section 12, Regulation XV of 1810, to issue, but no opposition has been reported. Nor has there been time any to be made; if then a tumultuary assembly is permitted to successfully oppose, or temporarily to suspend the carrying into effect the orders of Government, I apprehend the worst consequence. In my opinion the Magistrate should have allowed the Regulation to have been carried into effect, and have waited till he heard from me, whether the enforcement for the penalty prescribed for disobedience of the orders, had been attended with evil consequences. Instead of this, to set himself against its operation in its very first stage, because a lawless rabble assembles, is striking at the root of that power, which the Government ought to possess over the subject; and if the principle laid down in the Magistrate's letter were to be admitted by every other Magistrate, allow me to ask when, and at what zillah the collection would commence.

Zillah Bhaugulpore
Collector's Office
the 2nd October 1811

I have & c
F. Hamilton,
Collector

I.E.2 (a) *Magistrate to Collector, Bhaugulpore to Government*

2.10.1811

Sir F. Hamilton, Bart,
Collector of Bhaugulpore

Sir,

I beg leave to send you a proceeding of this date respecting the collection of the house tax, which I think it necessary should be suspended for a few days.

In consequence of all the inhabitants of the town having shut up their shops and assembled in a tumultuous manner, I called the principal merchants before me, who represented to me that, the tax has not yet been collected in Moorshedabad or any of the neighbouring zillahs, but that as soon as it can be ascertained that the collection has commenced in Moorshedabad or the adjacent zillahs, they are willing to pay it.

I have therefore deemed it requisite in order to preserve the peace of the town to send you the accompanying order taking the responsibility on myself.

Zillah Bhaugulpore, Faujdarry Adawlut
the 2nd October 1811

I am & c
J. Sanford

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I.E.3. *Magistrate of Bhaugulpore to Government*

3.10.1811

G. Dowdeswell Esq.,
Secretary to Government,
Judicial Department,
Fort William,

Sir

I beg leave to lay before you a copy of a letter and proceedings which I yesterday deemed it advisable to address to the Collector of the district, on the subject of the house tax, and although I may have somewhat exceeded the powers vested in me yet, I hope when the motives which have induced me to do so, are taken into consideration, my conduct will not meet with the censure of Government.

2. The day before yesterday, on going through the town of Bhaugulpore, I observed the whole of the shops shut up, and all the inhabitants amounting to some thousands assembled in a tumultuous manner in the streets calling out for redress and upon enquiry I found the cause of it to be the Collector's officers demanding the house tax.

3. I consequently yesterday morning summoned the principal people before me and explained to them the impropriety of their conduct and how useless it was for them to resist the orders of Government. They however declared in a body that they would give up their houses, and leave the town, but never would consent voluntarily to pay the tax, the nature of which had not even been explained to them. They also stated that they conceived it a grievance to be called upon for it in this zillah (which is the smallest in the Division) until the collections should commence at Moorshedabad and the adjacent zillahs, but that they were ready to pay it whenever the collections should commence at Moorshedabad.

4. Under the above circumstances, and in consequence of the prisoners in the jail having been near two days without their regular food, I deemed it, preferable, to adopt for the present the steps I have taken, to using force, which I have every reason to believe would have been attended with serious consequences, and I again express a hope that my measures will not be considered very reprehensible.

Zillah Bhaugulpore
Fouzdarry Adawlut
the 3rd October 1811

I have & c
J. Sanford, Magistrate

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I.E.4. *Government to Board of Revenue*

11.10.1811

Note: Read the Proceedings of the Judicial Department of the present date respecting the house tax at Bhaugulpore. The Secretary was directed on the 11th instant to write the following letter.

The Board of Revenue

Gentlemen,

I am directed by His Excellency, the Vice-President-in-Council to acknowledge the receipt of a letter from you dated the 9th instant and to transmit to you for your information the enclosed copy of the orders of this day issued to the Magistrate of Bhaugulpore on the subject of the house tax.

I have & c
G. Dowdeswell,
Secretary to
Revenue Department

Fort William
Government,
the 11th October 1811

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I.E.5. *Government to Magistrate Bhaugulpore*

11.10.1811

Note: The Secretary was directed on the 11th instant to write the following letter to the Magistrate of Bhaugulpore.

The Magistrate of Bhaugulpore

Sir,

I am directed to acknowledge the receipt of a letter from you dated the 3rd instant with its enclosures and to acquaint you, that His Excellency the Vice-President-in-Council entirely disapproves the precept issued by you to the Collector regarding the collection of the house tax. The Vice-President-in-Council is the more surprised at the order in question, as he cannot suppose that the tenor of the instructions already issued to the Magistrate of Benares, and Patna and other places, declaring the intention of Government not to yield to clamour and illegal resistance to public authority was altogether unknown to you. Exclusively of the objectionable tenor of the order, the terms of it appear to Government extremely injudicious, being naturally

calculated to excite a combination among the inhabitants of Bhaugulpore, and the inhabitants of Moorshedabad, Patna and other places.

2. With these sentiments the Vice-President-in-Council desires that on the receipt of this letter you will withdraw the order issued by you to the Collector in the most public manner possible.

3. I am further directed to acquaint you, that the Vice-President-in-Council desires that you will afford every aid and support to the Collector in the discharge of the duty vested in him by the Regulations in regard to the collection of the house tax.

Council Chamber
the 11th October 1811

I am & c
G. Dowdeswell,
Secretary to Government

Ordered that a copy of the foregoing letter be sent to the Board of Revenue for their information in reply to their reference of 9th instant recorded on the Revenue Proceedings of the present date.

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I.E.6. Collector Bhaugulpore to Government

21.10.1811

Express Monday Night
half past 10 P.M.

G. Dowdeswell Esq.,
Secretary to Government,
Fort William

Sir,

I am sorry to acquaint you that in carrying into execution the collection of the house tax I was this evening most grossly assaulted in my carriage. Bricks, stones and every description of offensive missile was hurled at my head.

2. I am most severely cut in my face, and in my head; and had I not effected my escape into Mr Glass's house, nothing on earth could have saved my life.

I trust I have done my duty, and I am willing to proceed, but it must be under a different system or my life will be sacrificed, if not others.

I beg to acquaint you that at 2 o'clock this day I informed the Magistrate through the Vakeel of Government that several persons, whose names I specified in the Durkhast having refused to pay the tax, or to admit of their property being distrained, though some had admitted it, it was necessary to proceed to extremities and confine them. Instead of taking notice of my application, which was made with the view to prevent the occurrence of mischief, and which I accompanied with a note, he sent me a verbal answer, after 5 o'clock, that he would enquire into it on the morrow. This evening the disturbance occurred. Is it not rather extraordinary, that for the last three or four evenings, thousands have collected on the same spot with liquor, sweetmeats & c and no measures taken to disperse them? Is it not still more extraordinary that on each of these evenings police officers were seen in different places near to the spot, and that on this eventful evening not one was to be seen!

I am dreadfully wounded; but if able I will send a more particular statement tomorrow, in the meantime I must beg to refer you for the most particular information to Lt Nugent who was accidentally with me in the carriage.

I am & c
21 October 1811 F. Hamilton, Collector
Lt. Nugent will be in Calcutta nearly as soon as this letter.

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I.E.7. *Collector of Bhaugulpore to Government*

22.10.1811

Express
G. Dowdeswell Esq
Secretary to Government,
Fort William

Sir,

I wrote last night by express. I send this by a dingy to afford a chance of its reaching you earlier, as the disturbances have risen to a very serious height.

The mob has not yet been dispersed.

I am & c
22nd October 1811 F. Hamilton, Collector

I.E.8. *Collector of Bhaugulpore to Government*

23.10.1811

G. Dowdeswell Esq.,
Secretary to Government,
Fort William

Sir,

I wrote to you express the night before last, and a duplicate was transmitted yesterday in a dingy, respecting the opposition, that had been made to the collection of the House tax and the outrage committed on my own person. When I dispatched my letter by the boat, the Magistrate was opposed to the mob at Shahjungy with a strong military force. Last night the Magistrate retired and the commanding officer with his troops withdrew. Nothing has however been effected. I therefore judged it expedient to address the Magistrate *yesterday* (No. 1) to which I received no answer, owing of course to his having gone with the troops to the place where the mob had assembled. No communication having been made to me. I thought it proper to address him this morning (No. 2), to which I received his answer (No. 3) with Persian enclosures (4, 5, 6) and enclose my answer (No. 7A & B). The tenor of the Magistrate's last letter (No. 3) is at variance with his own proclamation just received, for he will profess no more power tomorrow to carry the Regulation into effect than he possesses now, and the favourable opportunity will have passed by. Under the circumstances I feel considerable embarrassment as to the mode in which I am to carry the orders of Government into execution. No exertion however on my part shall be wanting to effect the object in any manner consistent with existing circumstances, but, I despair of meeting with that energetic support from the Magistrate which the importance of the case requires. An immediate and decisive communication of the orders of Government is very desirable.

Zillah Bhaugulpore
Collector's Office
the 23rd October 1811
Express 4 P.M

I have & c
F. Hamilton,
Collector

I.E.8 (a). *Collector to Magistrate of Bhaugulpore*

23.10.1811

J. Sanford Esq.,
Magistrate of Bhaugulpore

Sir,

In continuation of my letter of yesterday's date, I have to request that you will inform me what measures you have adopted to encourage payment of the tax directed to be collected by Regulation XV of 1810.

The different persons mentioned in my Durkhast having as therein stated refused payment of the tax, it becomes necessary to call in the assistance of the police to levy the arrear by distress under clause 2 section 12 Regulation XV of 1810, and as the people are not assembled in tumultuous bodies today, it appears to me to be the most favourable opportunity to enforce that part of the Regulation. I request therefore that you will furnish such assistance as may be requisite for distraining the property of the defaulters and conveying it to my office in the course of the day.

Bhaugulpore Collector's Office
the 23rd October 1811

I am & c
R. Hamilton, Collector

P.S. I have directed the Tehseeldar and Naib Collectors to attend you in order that they may be accompanied by your police officers.

Half past 12 Noon

F. Hamilton

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I.E.8 (b). *Collector to Magistrate, Bhaugulpore*

23.10.1811

J. Sanford Esq.,
Magistrate of Zillah Bhaugulpore

Sir,

Permit me to request the favour of a written communication in reply to my application of this morning respecting the distress

of the personal effects of the defaulters whose arrest was moved for by the Vakeel of Government the day before yesterday.

Zillah Bhaugulpore
Collector's Office
The 23rd October 1811
half past 2 P.M.

I am & c
F. Hamilton
Collector

• • •

I.E.8 (c). *Magistrate to Collector, Bhaugulpore*

23.10.1811

Sir F. Hamilton, Bart
Collector of Bhaugulpore

Sir,

You must be well aware that my whole time and attention is at the moment given up to the preservation of the peace, when that point is fully established I shall immediately adopt such measures as may appear to me proper to carry the Regulation into effect.

In the meantime I send you a copy of my Nazir's report with my order thereon and an advertisement on the occasion. You are already in possession of the proclamation issued by me yesterday.

I beg leave to observe that I do not conceive my police officers without military assistance at present able to carrying into effect section 10 and 11 Regulation VII of 1799 and until a sufficient military force shall be assembled and enable me to act freely I think it advisable to refrain from measures of violence. Of this I shall give you due notice.

Bhaugulpore
23rd October 1811

I am & c
J.Sanford, Magistrate

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I.E. 8 (d). *Collector to Magistrate, Bhaugulpore*

23.10.1811

J. Sanford Esq.,
Magistrate of Zillah Bhaugulpore

Sir,

I have this moment received your letter of this date.

2. Should a military force be necessary I had hoped that you would have enforced the Regulation by that means particularly as the troops are on the spot. It was in my mind impossible that a more favourable opportunity could have occurred for effecting the restraint of the personal effects of the defaulters than when they were deprived of the aid of numbers and no tumult was to be apprehended as the immediate consequence of an effective and vigorous effort in support of the authority of Government. I should forward a copy of your letter to the Presidency without loss of time.

Collector's Office
the 23rd October 1811

I am & c
F. Hamilton, Collector

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I.E.9. *Collector of Bhaugulpore to Government*

23.10.1811

G. Dowdeswell Esq.,
Secretary to Government,
Fort William

Sir,

The moment I had dispatched my address to you by express at 4 o'clock this afternoon I proceeded in concert with the Magistrate, aided by a military force under the command of Major Littlejohn, to the house of Lushkerree Saho, a principal defaulter, and instigator of the present disturbances, for the purpose of levying by distress the arrear demandable from him on account of the house tax, the police alone being in the Magistrate's opinion, inadequate to enforce the Regulation.

2. Under the provisions of clause 2 section 12 Regulation XV, of 1810 and section 10 Regulation VII of 1799 the outer door

of Lushkerree Saho's dwelling house was forced open, and distress levied on his property, upon which a tender was made of the balance which was accepted, and I withdrew.

3. The Magistrate found arms in the house, which he thought proper to confiscate to Government.

Zillah Bhaugulpore
Collector's office
8 O'Clock P.M.
the 23rd October 1811

I have & c
F. Hamilton,
Collector

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I.E.10. *Collector, Bhaugulpore to Government*

24.10.1811

G. Dowdeswell Esq.,
Secretary to Government

Sir,

My express of last night will have acquainted you that the tax was carried into effect on Lushkerree Sahoo, the most opulent inhabitant of Bhaugulpore, and one of the principal ring leaders in the late insurrection. I have now to acquaint you in continuation that several principal persons in the other divisions of Bhaugulpore having stood out and evaded payment I again proceeded with the Magistrate and troops, to carry into complete effect, and am happy to say that ere we had marched half way, intelligence was brought that the whole amount was paid without opposition or resistance of any sort, by all the ring leaders. The remainder of the persons, principally of the lower class, are paying in the money faster than I can well receive it. They commenced indeed at daybreak today. I have likewise the pleasure to acquaint you, that almost all the shops are reopened and that not the smallest assembly of people has taken place. Last night's transaction has indeed changed the face of things.

Bhaugulpore
24th October 1811, 8 P.M.

I have & c
F. Hamilton, Collector

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I.E.11. *Magistrate, Bhaugulpore to Government*

24.10.1811

G. Dowdeswell Esq.,
Secretary to Government,
Judicial Department
Fort William

Sir,

From the lateness of the hour at which I sent off my express of the 22nd, the short time I had to prepare it, and the fatigue I had undergone during the day many omissions occurred which I have now the honour to supply and give in detail the circumstances as they took place.

2. I shall commence by stating to Government, the mode I took to make public the orders contained in the 2nd and 3rd paragraphs of your letter of the 11th. I shall next inform you, what I conceive to be the immediate causes of the meeting at the Hill House, when the Collector was assaulted, the manner of their dispersion before Doctor Glass's house, and the precaution taken for the night. I shall then state the measures I adopted in the morning of the 22nd for the preservation of the peace, and methods afterwards resorted to, to disperse the mob when these measures failed with my subsequent precautions to prevent a recurrence of the riots.

3. On the receipt of your letter above noticed, I instantly issued a proclamation throughout the town by beat of drum, and forwarded a proceeding to the Collector withdrawing my former order: copies of documents are enclosed.

4. About 4 o'clock on the afternoon of the 21st I received a durkhast from the Collector through the Vakeel of Government for the imprisonment of 16 defaulters named in the margin, which in my opinion in some measure occasioned the increased meeting of the people of the town that evening at the Hill House and was probably in a great degree the cause of the subsequent attack on the person of the Collector.

5. The negligence of the Cutwal on this occasion was such as to give me very great dissatisfaction as he was not, agreeable to my strictest orders, on the spot, nor had he as usual stationed the police officers there; neither could I procure his attendance until I had been some time at Dr. Glass's house, where the mob had assembled in the manner stated in my former letter. They

at last dispersed after repeated admonitions and the town then appeared so quiet that I discharged the troops on their arrival excepting a company at the jail. I afterwards directed my assistant Mr. Ewing to proceed to the Cutwally, and to remain there during the night, as a precautionary measure.

6. I received a report about midnight from Mr Ewing informing me the Cutwal was not to be found. On the morning of the 22nd I took every measure in my power to restrain the people from violence, and assembling tumultuously.

7. I published a proclamation a copy of which is enclosed, and issued dustucks for the apprehension of the people mentioned in the Collector's durkhast who I conceived to be the principal rioters. I suspended the Cutwal, who after having been absent all night from his chubootra arrived there at 4 o'clock in a state of intoxication. I also ordered all arms and clubs to be seized if in opposition to orders and sent for a small force to be stationed at the Hill House on the morning.

8. The people however collected but seeing the party immediately retreated to a place called Shahjunghy, where I dispatched my assistant with my police officers to use their utmost endeavours to disperse them. This having failed I went to the Hill House, and sent for more troops to meet me at Shahjunghy, whither I proceeded after waiting a short time to allow them to arrive. We there found about eight thousand persons assembled, but totally unarmed. The principal of them kept in the centre of the crowd so that it was impossible to apprehend them, and as I was informed on the spot were performing funeral ceremonies. They however dispersed after having been repeatedly told if they remained they would be fired at. They then requested permission to present a petition the next morning which I agreed to receive giving them fully to understand that the collection of the house tax would not be suspended, nor the petition received unless presented to me in court in a regular and respectful manner. After the dispersions there remained a numerous rabble consisting partly of weavers and other artificers, the rest old women and children. I spoke to some of them who expressed an apprehension that if they began to disperse those who remained last would be fired upon. But on being assured that this would not be done they agreed to disperse, left the place at the same time we did, and returned respectively to their houses.

9. The place appearing perfectly quiet I discharged the troops who were greatly in want of refreshment. Having less reason to apprehend a reassemblage of the people in the morning,

I only put in effect the same precautions as I had done the night before, and returned home. I then made my communication of the 22nd.

10. During the night there was an appearance of disturbance. But with a view to carry into effect the Collector's durkhast I addressed the same night enclosure No 6 to Major Littlejohn, and received in answer enclosure No. 7 and 8. The following morning I went into the town and found all quiet. On my return I wrote to Major Littlejohn enclosure No 9 and in the course of the morning issued several proclamations of the same tenor with that of yesterday. I also stationed the Cutwal and police peons to prevent a reassembly of the mob, at that place, and finding that some liquor shops had been open the day before, contrary to my orders, I sent an order to the Collector to close them also. This day a few persons assembled in the morning at Shahjunghy, but were dispersed immediately by the Cutwal and his officers. It was now noon and I had no account of the petition mentioned the evening before, and the people reassembled in fewer numbers however than the preceding day, and I therefore dispatched Mr Ewing to the spot to disperse them if possible. This however could not be affected. I did not however deem it expedient to take the military (who had by this time arrived) to the spot as the principal defaulters who were there the day before had not assembled, and it would have interfered with the plan I had laid of carrying into effect the execution of distraint in the town for which measure I was particularly anxious as it appeared the most effectual and at the same time the mildest manner of putting a stop to the tumultuous proceedings of the people. In pursuance of this design I proceeded about 4 p.m. in company with the Collector (as will appear from the annexed correspondence) to the town and taking the precaution of stationing the troops at a small distance. The distrainers under section 10 Regulation VII, 1799 as directed in second paragraph of section 12 Regulation XV, 1810, broke open the house of Lushkerree Saho, the principal first defaulter, and realised property to the amount of the tax, Rs.42½. This property was no sooner distrained than a servant of the defaulter appeared with the money which was received by the Collector and the property returned. A quantity of arms that were discovered in the house were secured. There were apparently no persons in the house unless in the female apartments where I have reason to suppose some persons were concealed. The beneficial effects of having carried this measure were immediately apparent as the whole mob dispersed, nor is there today the least appearance of their

reassembling, and the whole of the Soojagunje as well as the rest are preparing to pay the tax.

Zillah Bhaugulpore
Fouzdarry Adawlut
the 24th October 1811

I have & c
J. Sanford
Magistrate

P.S. I omitted to state in the body of my letter, that I have taken upon myself to offer a reward of Rs. 500 for the apprehension of any of the persons who assaulted the Collector, which measure I hope will meet with the approbation of Government.

P.S. II. I hope want of time will plead my excuse for not furnishing a translation of the Persian papers.

• • •

I.E.11 (a). *Major Littlejohn to Magistrate, Bhaugulpore*

23.10.1811

J. Sanford Esq.,
Magistrate, Bhaugulpore

Sir,

In answer to your letter just received I have to observe that the disposable force of the Hill Rangers, the four companies about 160 rank and file, leaving only the usual guards in the town could disperse such a mob as appeared today, though very large, and if the 16 rioters were present they might possibly be overtaken and secured. But you must consider that they had not a single weapon of any kind, and in the event of their flying to arms of any kind in such an extensive and scattered town, I hardly think the corps could repel a protracted insurrection. The force could not with propriety be separated, and would soon be harassed with constant duty and deprived of food, except it were forcibly obtained.

The native officers of your court can best inform you of the plan the rioters have in view, and of the probability of immediate coercive measures of having the desired effect. When the principal people retired last evening, the remaining part of the mob *women*, and their *children* seemed to have no dread of the consequence of firing among them, but rather sought it. But it is my opinion that ultimatum should not take place unless the ring-leaders are on the spot and if you think such a step and the securing of them would put a stop to insurrection it ought not to be delayed.

If it is your intention to meet the people who petitioned for it last evening, in numbers, I think it proper that all the desirable force should be present. But I conceive it would be better not to receive them attended with a mob, but to desire that their arzee may be sent to you when you can act accordingly. I am very averse to frittering the corps into parties, particularly as I am deprived of the assistance of European officers and it is to be observed that hill men are not on a footing with Hindustanies or have ever been placed in such a situation.

After what I have said above I beg you will inform me if I shall march with the corps to the Cutwaliee, and at what hour you will expect me there.

I am & c
1 O'Clock A.M.
P. Littlejohn
23rd October 1811 Commanding Hill Rangers

• • •

I.E.11 (b). *Magistrate, Bhaugulpore to other Magistrates*

23.10.1811

The Magistrates, Adjacent Districts

Sir,

I request you will issue such orders as you may deem advisable for preventing people from proceeding from your district to Bhaugulpore in bodies exceeding the number of ten and to intercept all arms which may be supposed to be intended for Bhaugulpore.

2. My reason for making this requisition is that the people have assembled in tumultuous bodies for some days past for the purpose of resisting payment of the house tax and there is reason to believe that every endeavour will be made by their leaders to procure reinforcements from other districts.

3. I further request you will do me the favour to intercept all native communications of a suspicious tendency and forward the same to me.

Zillah Bhaugulpore
Fouzdarry Adawlut
23rd October 1811

I am & c
J. Sanford, Magistrate

• • •

I.E.12. *Magistrate, Bhaugulpore to Government*

24.10.1811

G. Dowdeswell Esq.,
Secretary to Government,
Judicial Department,
Fort William

Sir,

When I concluded my detailed report of this day's date, I entertained hopes that all resistance to the collection of the house tax was at an end. About 1 o'clock however I received the enclosure No. 1 from the Collector and immediately ordered out the troops.

2. At 4 p.m. I and the Collector proceeded with the military towards the house of the defaulters. But before we could arrive on the spot many of them had paid. I therefore requested the commanding officer to halt the troops, and sent forward the Cutwal in company with the Collector's amlah to require immediate payment from the remainder.

3. After waiting a short time the whole was paid, upon which I desired the commanding officer to march back the troops.

4. I am happy to add that most of the shops in the town are now open, and I have no idea that there will be any further resistance.

Zillah Bhaugulpore
Fouzdarry Adawlut
the 24th October 1811
7 O'Clock P.M.

I have & c
J. Sanford
Magistrate

• • •

I.E.13. *Collector, Bhaugulpore to Government*

25.10.1811

G. Dowdeswell Esq.,
Secretary to Government,
Fort William

Sir,

I have the satisfaction to acquaint you that the collection of the house tax has proceeded without any opposition or resistance. The people are paying the money readily and the shops are opening.

Collector's Office
Bhaugulpore
25th October 1811
6 P.M.

I have & c
Frederick Hamilton
Collector

• • •

I.E.14. *Collector, Bhaugulpore to Government*

26.10.1811

G. Dowdeswell Esq.,
Secretary to Government,
Fort William

Sir,

I am happy to communicate to you that no further opposition has been made to the collection of the house tax, as will be seen from the enclosed reports from the Tehseeldars.

Collector's Office
Bhaugulpore
the 26th October 1811

I have & c
Frederick Hamilton
Collector

• • •

I.E.15. *Resolution of Government on receipt of the letter dated 21.10.1811 from Collector of Bhaugulpore reporting the assault on him 26.10.1811.*

The Vice-President in Council having taken the foregoing letter into consideration observes, that on the 11th instant he

had occasion to express his marked disapprobation of the conduct of the Magistrate of Bhaugulpore in suspending the collection of the house tax, instead of affording to the Collector the necessary aid and support in the collection of the tax, which the obligations or the Magistrate's public duty obviously and indispensably required. The Vice-President in Council is satisfied that the native inhabitants of Bhaugulpore would not have ventured to offer the insults and outrages described in the foregoing letter, to the Collector, and in his person to the Government itself, had the Magistrate on receipt of the orders of the above date adopted the necessary precautions for the maintenance of the public peace, and for the due support of the Collector and of his native officers in the discharge of the duty entrusted to them with regard to the collection of the house tax.

On the grounds above stated, the Vice-President in Council deems it indispensably necessary to suspend Mr Sanford from the office of Judge and Magistrate of Bhaugulpore, and in order to provide for the discharge of the duties of that station to depute Mr. H. Shakespear to officiate as Judge and Magistrate of Bhaugulpore until further orders.

Ordered that Mr Sanford be accordingly directed to deliver charge of the office of Judge and Magistrate to Mr Shakespear immediately on his arrival in the district.

Ordered that Mr Sanford be at the same time informed that the Government will be ready to consider any circumstances which he may be desirous of submitting in justification of his conduct, which, combined with the detailed information which the Vice-President in Council will of course receive from the Acting Magistrate and from the Collector, will enable Government to judge how far it may be again proper to employ him in the responsible situation of a Judge and Magistrate.

Ordered that the necessary instructions be issued to Mr Shakespear in conformity to the foregoing resolution and that he be further informed, that adverting to the circumstances which have led to his present deputation, the Vice-President in Council desires that he will make it an object of his particular attention to enforce payment of the tax in conformity to the assessment fixed by the Collector and confirmed by the Board of Revenue.

Ordered that an extract from the Proceedings be forwarded through the Military Department to the Commander in Chief and that His Excellency be requested to consider whether it be

necessary that any military force should proceed to Bhaugulpore in addition to the corps of Hill Rangers, with the view of supporting the Collector and the officers of police in the discharge of their public duty, and if so to issue the necessary orders accordingly.

Ordered that the tenor of the foregoing orders be communicated to the Board of Revenue and to the Collector of Bhaugulpore.

G. Dowdeswell
Secretary to Government,
Judicial Department

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I.E.16. *Government to Collector, Bhaugulpore*

29.10.1811

Ordered that the Secretary, write the following letters to the Magistrate of Bhaugulpore, to Mr. Ewing, and to the Collector of Bhaugulpore.

The Collector of Bhaugulpore

Sir,

I am directed by His Excellency the Vice-President in Council to acknowledge the receipt of the following letters from you with their enclosures: one dated 22nd, two dated 23rd, one dated 24th.

2. His Excellency in Council has observed with great satisfaction that the authority of Government has been reestablished in the district of Bhaugulpore and that the payment of the house tax has been fully enforced.

3. Under the circumstances above noticed, it has been deemed sufficient to direct Mr Ewing to receive charge of the district from Mr Sanford and to officiate as Magistrate until further orders. A copy of the letter written to Mr Ewing on the occasion is enclosed for your information.

4. On a general review of the circumstances attending the late disturbances, the Vice-President in Council has observed with equal satisfaction and approbation the firmness manifested by you in the discharge of the duties of your station and in support of the legitimate authority of Government.

I am & c
G. Dowdeswell
Secretary to Government
Judicial Department

Ordered that Mr H. Shakespear be informed that reports from the Magistrate and Collector of Bhaugulpore having been received signifying that the authority of Government has been reestablished in that district and that the payment of the house tax had been enforced, the Vice-President-in-Council is pleased to rescind the orders passed on the 26th instant deputing him to take charge of the office of Judge and Magistrate of Bhaugulpore.

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I.E.17. Magistrate, Bhaugulpore to Government

31.10.1811

G. Dowdeswell Esq.,
Secretary to Government,
Judicial Department,
Fort William

Sir,

I have this moment with sentiments of the deepest regret, mortification, and distress received your communication of the orders passed by Government on the immediate receipt of a report from the Collector of the district respecting the outrage offered to himself and in his person to the Government by the native inhabitants of Bhaugulpore who had assembled to resist payment of the house tax.

2. The report appears evidently to have been penned at the impulse of the moment, when the Collector's mind was naturally in a state of extreme irritation and acted upon at a time when the high authority of Government itself was felt to have been grossly outraged and degraded in the person of their officer. Under the circumstances I submit with deference to the temporary displeasure of Government in the full confidence that the Government in its justice will not have withholden from me the full share of approbation to which my conduct on a complete view of the case in all its bearings will since have shown me to be fairly entitled and that the deputation of Mr Shakespear will have been countermanded before he can have left Calcutta.

3. The detached reports submitted by the Collector and myself contain all the material facts and I look to them with confidence for my full exculpation.

4. My reasons for not calling in military aid previous to the attack on the Collector have already been stated in my address to you of the 22nd and 24th instant. Whether any credit be due to my forbearance in not requiring it sooner is a question for the calm and deliberate wisdom of Government to decide. Doubt may possibly be entertained on the prudence of a partial delay but none can exist as to the motives which influenced my conduct on that occasion, nor of the sincere desire I entertained to execute the orders of Government in the mode which appeared to me best adapted to the object which was meant to be attained. That no police officers were at hand when the attack was made on the Collector is entirely attributable to the negligence and wilful misconduct of the Cutwal, whom I accordingly suspended from office as already reported to Government.

5. In regard to the measures which I adopted subsequent to the outrage against the Collector's person I may perhaps claim some share of merit. The best Magistrate would have found it difficult to have effected more than I did. Plain facts speak for themselves. It is sufficient to recite that the people were dispersed, the confederacy broken, the tax collected and the most perfect tranquility restored without the loss of a single life, in the short period of three days from the commission of the first act of violence by the rabble. I advert to these facts with a sense of conscious pride and satisfaction that my endeavours have not been wanting to perform the arduous duty of my office on a highly critical occasion with energy and zeal for the public service, but that my well meant endeavours have been crowned with success. For all beyond it I submit to the indulgent candour of Government.

6. I write under great agitation and hope every allowance will be made for the acuteness of my feeling on an occasion wherein my public character, credit and future prospects in the service are so deeply implicated.

Bhaugulpore
31st October 1811
half past 8 P.M.

I have & c
J. Sanford
Magistrate

I.E.18. *Magistrate, Bhaugulpore to Government*

5.11.1811

(Extract)

5. In my defence I now think it absolutely necessary and due to myself, to waive all delicacy towards the Collector, who has evidently shown very little to me as well in his report to Government, as in his correspondence with myself (perhaps it may be observed I ought to have done this before, but I was determined to put to paper nothing that might appear illiberal or to his detriment unless actually compelled, which I now conceive to be the case). In the first place when the Collector in his letter of the 21st addressed to Government states that he was assaulted in carrying into execution the collection of the house tax, he deviates from the truth; secondly I have every reason to believe (and this is also the opinion of other Gentlemen of the station), that had he not irritated the mob, by flogging them the assault never could have taken place. As however it may appear invidious and improper in me to enter into a detail of real facts, I trust that Government will do me the justice to direct the Judge of Circuit at the next jail delivery which will take place in the course of the present month, to investigate the whole business, when no doubt Government will obtain a fair and impartial statement.

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I.E.19. *Government to late Judge and Magistrate*

12.11.1811

J Sanford Esq.,
Late Judge and Magistrate,
Bhaugulpore

Sir,

I am directed by His Excellency the Vice-President in Council to acknowledge the receipt of your letters under date the 31st ultimo and 5th instant, and agreeably to your suggestion, the Judge of Circuit will receive instructions to investigate the circumstances of the assault on the person of the Collector when the trial of the person who stopped Mr. Ewing's buggy and whose commitment is reported in your letter now acknowledged shall come before him.

2. With reference however to your remark, that the Collector has deviated from the truth in stating that he was assaulted in carrying into execution the collection of the house tax, I am instructed to observe that although the assault was not committed literally when the Collector was in the act of collecting the tax it was so obviously the consequence of his having been engaged in the performance of that duty, as to render the Collector's statement substantially correct: And as you must have been perfectly aware that the Collector did not mean to describe the assault as having been committed when he was actually engaged in collecting the tax, His Excellency in Council consider you to have taken an unfair advantage of a mere inaccuracy of expression employed in the preparation of a hurried and urgent despatch to charge the Collector with a deliberate departure from the truth.

3. The final determination of Government on your case, under the explanations which you have furnished, will be hereafter communicated to you.

Council Chamber
the 12th November 1811
Government

I am & c
N.B. Edmonstone,
Chief Secretary to

• • •
I.E.20. *Acting Magistrate, Bhaugulpore to Government,*

6.11.1811

(Extract)

2. I hope it will not be deemed presumption if I offer my humble opinion, that the assault on the Collector had no connection with the measures of the Magistrate or the collection of the house tax, but was entirely unpremeditated and accidental. I am also of opinion, that it can scarcely be called the act of the mob, but was perpetrated by a few of the lowest rabble in a state of intoxication.

3. To show that this was the case, I beg leave to transmit a copy of my report to the Magistrate on the occasion, which, though it relates only to the apprehension of the man who stopped my horse, will point out the immediate cause of the outrage.

I have & c
J. Ewing, Acting Magistrate

I.E.20 (a). *J. Ewing to Magistrate, Bhaugulpore*

22.10.1811

J. Sanford Esq.,
Magistrate of Bhaugulpore

Sir,

I think it necessary to state in writing, the circumstances of the apprehension of Fuzzul Ali with which I have already acquainted you verbally.

As I was driving yesterday evening in my buggy accompanied by Mr. Cracraft, I observed a crowd of several thousand people assembled in the plain under the Hill House. We passed them without interruption. On returning however a man who appeared in a state of madness or intoxication, ran up to the horse but missing his head he laid hold of the shaft of the buggy and coming near the step snatched at the reins which he failed in getting hold of. The syce instantly seized him by my order, and Mr. Cracraft leaping out, tied the man's hands behind him. While we were thus engaged, a great crowd gathered round but did not interrupt us. At length a few other men in liquor began to be insolent, and told us we must release the man. Sir F. Hamilton drove up at the moment and dismounting from his phaeton dispersed the people who surrounded us with his whip. Sir F. Hamilton then remounted and drove on towards the west, and the attention of the mob, being directed to him, I was enabled to get to some distance with the prisoner whom I sent to the Cutwally under charge of my syce.

Zillah Bhaugulpore
Fouzdary Adawlut
the 22nd October 1811

I am & c
J. Ewing
Assistant

(A true copy) J. Ewing, Acting Magistrate

• • •

I.E.20 (b). *Government Decision on Acting Magistrate's letter*

19.11.1811

Remark: The Board observes that orders having already been issued for the investigation of the disturbance at Bhaugulpore, no further orders are at present necessary on the foregoing letter.

I.E.21. *Government to Magistrate, Bhaugulpore*

19.11.1811

Resolution: [after considering charges and countercharges by Collector and J.Ewing, Acting Magistrate, against each other in voluminous correspondence]

The Governor-General-in-Council is pleased to direct that Mr. Sanford be desired to resume the charge of the duties of Judge and Magistrate of Bhaugulpore from the exercise of which he was lately suspended reserving however for future consideration a final decision with regard to his permanent reestablishment in that office.

Ordered that the foregoing resolution be communicated to Mr. Ewing and the Collector of Bhaugulpore.

Ordered that the Secretary write the following letter to the Judge and Magistrate of Bhaugulpore.

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I.E.21 (a). *Government to Magistrate, Bhaugulpore*

19.11.1811

J.Sanford Esq.,
Judge and Magistrate,
Bhaugulpore

Sir,

Government having received from the Collector of Bhaugulpore, the copies and translations furnished to him by the late Acting Magistrate of the proceedings of the latter in the investigation of the charge preferred against Gopal Doss, a clashy in the service of the Collector, of purloining a part of the effects of Lushkerree Sahoo when his property was about to be distrained for the recovery of the house tax, and also in entertaining a question and taking evidence upon it relative to the alleged precipitancy of the Collector in proceeding to levy the tax by distraint: I am directed to inform you, with respect to the first of these points, that the Collector has been directed to apply on behalf of his servant for the redress of the injustice of which he complains to the superior court in the mode prescribed by the regulations in such cases.

2. With respect to the second point, I am directed to inform you, that the conduct of the Acting Magistrate in taking evidence on the question of the Collector's alleged precipitancy in levying a distress for the house tax, is considered to have been irregular and highly objectionable, the investigation of that question being deemed foreign to the duties of his office and manifestly tending to the revival of the disturbances which had been so recently suppressed.

I am & c
Council Chamber N.B. Edmonstone
the 19th November 1811 Chief Secretary to Government

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I.E.22. *Collector, Bhaugulpore to Government*

23.12.1811

G.Dowdeswell Esq.,
Secretary to Government,
Fort William

Sir,

I beg to acquaint you for the information of the Right Hon'ble the Governor General in Council, that I have not met with any resistance in proceeding in the collection of the house tax.

Bhaugulpore Collector's Office
the 23rd December 1811
Monday 6 P.M.

I am & c
F.Hamilton
Collector

• • •

I.E.23. *Government to Collector, Bhaugulpore*

10.1.1812

The Collector of Bhaugulpore

Sir,

I am directed by the Right Hon'ble the Governor General in Council to acknowledge the receipt of your letter of the 23rd ultimo.

2. Tranquility having been established at Bhaugulpore the Governor General in Council desires that all your future communications respecting the house tax may be made through the established channel of the Board of Revenue.

I am & c
G. Dowdeswell
Secretary to Government
Revenue Department

• • •

I.E.24. Collector, Bhaugulpore to Government

17.2.1812

G. Dowdeswell Esq.,
Secretary to Government in the Judicial Department,
Fort William

Sir,

I have this day received information, that the Magistrate of Bhaugulpore, in a letter to Government dated the 5th of November, has directly accused me of irritating the mob by flogging them, on the evening of the 21st of October last when I was assaulted.

2. The validity of this assertion can not be affected, one way or the other by my absence from, or presence at Bhaugulpore, and even supposing that the fact was established, it might be of some use to the persons who committed the outrage, but could in no possible manner extenuate the Magistrate's conduct, in allowing the mob to assemble, for four or five days previous. I shall content myself therefore, at present by giving a simple denial to the assertion and in requesting that the investigation of this point may proceed; entreating only, that its proofs may rest on other grounds than the testimony of the persons who had tumultuously assembled, and to whose interest it must necessarily be, that I should be made out guilty, and they pronounced innocent. The Magistrate himself was not there.

3. Had they murdered me, it would have been but a secondary consideration, except to individuals, but the dignity of the state is the primary object of this investigation. The mob assembled for the purpose of opposing the tax and it had collected for several days, previous to the 21st October, on a certain

spot with liquor, sweetmeats, priests & c and near to which was an immense heap of bricks.

I take the liberty to request that the attention of the circuit judge may be directed to the following points.

Whether the aggression was not commenced, in the first instance, by a man seizing Mr. Ewing's buggy reins, preventing him going on, and attempting to strike the gentleman with him.

Whether on my coming up I did anything more than crack and flourish the whip, and particularly whether I touched any body, or in any way personally assisted in securing the individual.

4. I request also that the Magistrate may be called upon to state what precautionary measures he adopted to prevent the assemblage of this mob, what steps he took to disperse them during the four or five days that they had assembled previous to the assault and what orders were issued by him, in consequence of your letter to him of the 11th October with a view of supporting me in the discharge of my duty.

5. As it is impossible for me in any way, to be at Bhaugulpore in time, and as the circuit judge is proceeding in the investigation during my absence, allow me to entreat that he may be directed to apply for any information, of which he may stand in need, on this particular point to Majors Franklin and Littlejohn. They know as much of the business as I do, for I never touched one of them.

6. For the most rigid investigation of the circumstances of the late riots I most anxiously wished and I clung to the hope that it would take place to the last moment and had Government condescended to inform me that such a thing was in agitation, nothing would have induced me to leave Bhaugulpore.

7. The general tendency of the investigation, as now proceeding, is the assault on my person, this I again repeat, even in my own estimation, is but a secondary consideration, an aggravation of the first great fault, and I shall never cease to lament that any consideration of this secondary nature should be allowed to prevent a full circumstantial enquiry into the causes of the late riots.

Calcutta
the 7th February 1812

I have & c
F.Hamilton, Collector

• • •

I.E.25. *Government to Circuit Judge*

18.2.1811

Ordered that the secretary write the following letter to the second judge of circuit for the Division of Moorshedabad, at Bhaugulpore.

The Second Judge of Circuit for the Division of Moorshedabad at Bhaugulpore

Sir,

I am directed to transmit to you the enclosed copy of a letter from the Collector of Bhaugulpore to acquaint you that the Right Hon'ble the Governor General in Council desires, that you will give all the attention to the circumstances stated by him, and to any further representations, which may be eventually made to you on his behalf, which may be consistent with established forms of procedure in the inquiries in which you are engaged regarding the late disturbances at Bhaugulpore.

I have & c

G. Dowdeswell

Council Chamber
the 18th February 1812

Secretary to Government
Judicial Department

Ordered that a copy of the above letter to the Second Judge be transmitted to the Collector of Bhaugulpore for his information.

• • •

I.E.26. *Second Judge of Circuit to Government*

7.3.1812

(Extract)

3. On the part of the Tehsildar of the house tax, I am afraid an obvious departure from the rules prescribed by Regulation XV, of 1810, in the mode of carrying the tax into execution at this station, will appear; no oath having been administered to him; and he appears to have applied the authority vested in him, too partially, and with no discrimination either with reference to the local limitation of the houses, qualifications of the people, or the legal amount of the assessment. I have grounded this opinion solely on some casual circumstances, that forced themselves upon my observation, in the course of the investigation; but as

I considered it a subject irrelevant to the points I was required to report upon, I did not give it its full enquiry, and am far from meaning to imply the least blame to the Collector; by the necessity of mentioning it. As he was not on the spot, to answer for himself and probably like most of the gentlemen holding offices of responsibility in this service, he has been deceived by his native officers, and abuses may have existed unknown to him, I need only add that if it should appear, that those abuses did exist, it will certainly form one of the leading features of the cause to which the late disturbances are ascribable, and I could not consistent with the nature of the official duty reposed in me, however painful, pass it over entirely unnoticed.

4. To carry into effect with satisfaction to the Government and at the same time, to secure the toleration of the people, on a measure which has been received with such universal dissatisfaction by the populace of all descriptions of persons, appears no easy task. It equally places the Magistrate and the Collector in a trying, dangerous, and invidious situation. The Collector because, he is compelled to confide in executive officers, who can not by any artificial means be made honest or worthy of trust, on the most simple occasion, where the realisation of money is the object but particularly, on the wide and open field for speculation, abuse and intrigue, offered to the person employed in carrying into execution the collection of the house tax. The Magistrate, because, he has really not the means of diverting the consequences of resistance and opposition to the wishes of Government. It is easy to talk of assistance from the police; or of the more imposing aid from the native troops. But it should be remembered that both the police officers, as well as the sepoys are in common with others, personal sufferers by the house tax; at least their families are so, sufficiently to excite in their breasts, feelings and inclinations inimical to the successful issue of the measure, and that from the very officers, from whom alone, the Magistrate could be led to expect, or look up to, for a decided and vigorous support in the critical hour of emergency.

6. Sir Frederick Hamilton certainly appears to have been severely treated by the mob on the evening of the 21st October last; and though his motives for rushing singly and precipitately into the midst of an enraged and irresistible mob, in the offensive manner he is stated to have done, with the view I presume of rescuing Mr. Ewing from the perilous situation, in which Sir F. Hamilton considered that gentleman to be in, at the moment,

was laudable; yet, it was best, an act that betrayed more temerity than discretion. For upon what principle could Sir F. Hamilton, have expected to escape untouched, and if indeed he had made a similar attempt to disperse an English mob; composed of from four to five thousand people with merely a hunting whip in his hand; he would inevitably have lost his life. Men under the influence of certain passions, are pretty much the same all over the world, and with respect to the insult offered to the Government in the person of Sir F. Hamilton, I imagine the lower description of natives of this country, have not yet arrived at that state of civilised refinement, to all reflections of ceremony to operate on their minds, particularly when smarting under the dread of exactions, which they themselves at least considered arbitrary and oppressive.

Zillah Purneah

I have & c
W.T. Smith
Second Judge of Circuit
the 7th March 1812
Division of Moorshedabad

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I.E.27. *Government to Magistrate, Bhaugulpore*

18.4.1812

Ordered that the secretary write the following letter to the Magistrate of Bhaugulpore

The Magistrate of Bhaugulpore

Sir,

In the Chief Secretary's letter of the 12th November last, you were informed that 'the judge of circuit would receive instructions to investigate the circumstances of the assault on the person of the Collector, when the trial of the person, who stopped Mr. Ewing's buggy and whose commitment is reported in your letter, now acknowledged, shall come before him'.

2. The judge of circuit having since submitted to Government a copy of the proceedings held by him in that case, it appears to Government to have been established, that the disturbance commenced with a riotous attempt made by a man, apparently in a state of intoxication, to stop Mr. Ewing's buggy. It likewise appears, that in this stage of the business the Collector drove forward among the crowd, and alighting from his

carriage exerted himself to disperse them. The evidence taken likewise leaves no doubt in the mind of the Governor General in Council, that Sir Frederick Hamilton in endeavouring to accomplish that object struck some of the crowd with his whip.

3. The facts above stated forming the principal features of the cause, so far as the conduct of the Collector with respect to the disturbance is concerned, the Governor General in Council considers the exertions made by Sir F. Hamilton, to aid Mr. Ewing to have been not only warrantable but laudable although the use made by him of his whip was indiscreet, and objectionable.

4. It remains to notice the tenor of the report submitted by the Collector to Government on the occurrence of the above mentioned disturbance. In that letter it is stated, that he had been most grossly assaulted in carrying into execution the collection of the house tax. From the circumstances however above stated and from the general tenor of the evidence taken by the judge of circuit, it is apparent that the personal injury which the Collector experienced, was not in strictness received by him in the discharge of that duty; although committed by a concourse of people assembled to oppose the collection of the tax. It must be regarded as a consequence of the mode, in which he proceeded to aid Mr. Ewing, as already noticed. The establishment of those facts consequently renders it necessary to correct the judgement passed by Government with respect to that point, as stated in the chief Secretary's letter to you of the 12th November last.

5. His Lordship in Council likewise deems it necessary to observe, that the regard due to the character of a public officer should have suggested to the Collector the propriety of communicating the letter in question to you, if not before the dispatch of it, at least immediately afterwards; which would of course have enabled you to have offered those explanations which you might have judged necessary.

I am & c
G. Dowdeswell
Secretary to Government
Judicial Department

Council Chamber
the 18th April 1812

Ordered that a copy of the foregoing letter to the Magistrate of Bhaugulpore, containing the final orders of Government respecting the late disturbances in that district on account of the collection of the house tax, be transmitted to the Collector of Bhaugulpore for his information.

II

MANNER OF RETRACTION IN POLICY

II.1 *G.Dowdeswell, Late Senior Member of the Board of Revenue (also Secretary, Revenue and Judicial Departments) to N.B. Edmonstone, Chief Secretary to Government*

18 October 1811

(Extract)

HOUSE TAX

11. Considerable progress has been made in the assessment of the tax on houses, and it may reasonably be expected that it will be shortly completed throughout Bengal, Behar and Orissa.

12. From the experience hitherto obtained on the subject, it appears clear, that the tax can not be an object to Government except at the city and suburbs of Calcutta. At other places, at least (at the cities) I am led to believe, from all that I have heard on the subject, that a considerable degree of irritation still prevails on account of the tax, and that years must elapse before that irritation will altogether subside.

13. If this view of the subject be correct, the sacrifice of 2 or 3 lakhs of rupees (for I do not conceive that the aggregate amount of the tax will exceed that sum) may not perhaps be thought too much to conciliate the affection of the large bodies of people, comprising the cities and principal towns, and by these means to draw closer the ties which unite the community to the Government.

14. If however the produce of the tax be still deemed an object of moment, I would suggest that it be commuted for a tax on the licences issuable to the several classes of people specified in section 12, Regulation 1, 1811. Such tax would rather aid than obstruct the reform of the police, by eventually reducing the number of persons employed in the trades in question, who require to be vigilantly watched by the police, and if the Regulation and tax were extended to the Western Provinces (also Secretary, Revenue and Judicial Departments,) as might

hereafter be done, the produce of the latter would in all probability be equal to the tax on houses.

15. Should these suggestions appear to merit attention, it may of course be also considered, whether the tax on houses in the suburbs of Calcutta, might not be still continued, where the greater part of the objections which may be urged to the tax in other places do not exist.

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II.2. *Chief Secretary to R. Rocke, Acting President and Members of the Board of Revenue*

22.10.1811

(Extract)

5. On consideration of the observations contained in these paragraphs, and of all the circumstances of the case, the Vice-President in Council is satisfied at the expediency of abrogating the tax on houses established by Regulation XV, 1810, and with that view is pleased to direct, that in the first instance the process of assessment at the stations where it may not have been completed be stayed and that the collection of the tax where it may have been commenced be stopped, with exception however of any places at which commotions originating in a resistance to the operation of the tax, may exist at the period of the receipt of the present orders. His Excellency in Council accordingly desires that you will issue orders in conformity to the resolution; requiring reports from the collectors, to whom those orders are to be addressed, in reply to them; copies of which reports are to be submitted to the Vice-President in Council, who on the receipt of them will pass orders for the final abrogation of the tax, unless the existence of any open oppositions should render it necessary either wholly or partly to enforce the collection of it. For the reasons assigned by Mr. Dowdeswell however these orders are not intended to apply to the suburbs of Calcutta.

6. Instructions, corresponding to those contained in the preceding paragraph will be issued to the Board of Commissioners with respect to the city of Benares.

N.B. Edmonstone
Chief Secretary

22 October 1811

II.3 *Chief Secretary to Board of Commissioners at Farrucaubad*

22.10.1811

The Board of Commissioners

Gentlemen,

His Excellency the Vice-President in Council having had under his particular consideration the tax on houses established by Regulation XV, 1810 is satisfied of the expediency of abrogating that tax. The Board of Revenue has been in consequence directed to stay the process of assessment at the Stations at which it may not have been completed and to stop the collection of the tax, where it may have been commenced, with the exception however of any places, at which commotions originating in a resistance to the operation of the tax may exist at the period of the receipt of the above mentioned order.

2. In like manner the Vice-President in Council desires that you will furnish the Collector of Benares with the necessary instructions on the subject in conformity to the resolution above stated, reporting the result to you for the information of the Vice-President in Council, who on receipt of the reply of the Collector of Benares and of the several Collectors in the Provinces of Bengal, Behar and Orissa, will pass final orders for the abrogation of the tax, unless the existence of any opposition should render it necessary either wholly or partially to enforce the collection of the tax.

I have & c

G. Dowdeswell

Fort William
the 22nd October 1811

Secretary to Government
Revenue Department

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II.4 *Government to the Board of Revenue*

3.12.1811

Ordered that the Secretary write the following letter to the Board of Revenue.

The Board of Revenue

Gentlemen,

The Right Hon'ble the Governor-General-in-Council has received information that orders have been issued to the Collector of Bhaugulpore to discontinue the collection of the house tax in that district.

2. The orders passed by Government on that subject are dated the 22nd October and are thus expressed.

Despatched to the Board on 29th October.

On consideration of the observations contained in these paragraphs, and of all the circumstances of the case, the Vice-President in Council is satisfied at the expediency of abrogating the tax on houses established by Regulation XV, 1810, and with that view is pleased to direct, that in the first instance the process of assessment at the stations where it may not have been completed be stayed and that the collection of the tax where it may have been commenced be stopped, with exception however of any places at which commotions originating in a resistance to the operation of the tax, may, exist at the period of the receipt of the present orders.

Despatched to the Board on 28th October

3. Under date the 26th October last you were informed by Government of the disturbances which had occurred at Bhaugulpore on account of the above mentioned tax and of the outrage offered to the Collector.

4. Information on the latter point must necessarily have been received by you before the orders regarding the abrogation of the tax, with the exception stated, could have been issued from your secretary's office. It consequently follows that those orders ought not to have been sent to the Collector of Bhaugulpore, or that he should have been expressly informed by you that they were not intended to apply to the district under his charge.

5. The error above noticed is obviously productive of embarrassing consequences. As noticed in the orders of the 22nd October last, the Governor General in Council would consider it highly inexpedient to abolish the tax at places, in which any disturbances might exist, originating in lawless opposition to the enforcement of it. On the other hand to proclaim (as has been done by the Collector) the discontinuance of the tax and then to revive it may create an impression of instability in regard to public measures in the minds of the community (who can not of

course possess the information requisite to enable them to discriminate between the acts of the Government and those of the subordinate authorities) which it is of course desirable to avoid.

6. On consideration however of all the circumstance of the case His Lordship in Council deems it preferable to continue to enforce the collection of the tax in the district of Bhaugulpore than to acquiesce in the abrogation of it, contrary as is manifest to the extent of the orders of the 22nd October last. The Governor General in Council accordingly desires that you will communicate these sentiments to the Collector of Bhaugulpore and direct him to proceed in the collection of the tax, conformably to the provisions of Regulation XV, 1810.

7. It has been above noticed that the Collector had issued a publication signifying the intention of Government to abolish the house tax. But even supposing that the orders above noticed could have been properly constructed to apply to Bhaugulpore, the Governor General in Council does not discern that the circumstances of the case would have required the issue of any publication whatever. The orders in question (as already cited) directed 'that in the first instance the process of assessment at the stations where it may not have been completed be stayed and that the collection of the tax where it may have been commenced be stopped, with exception & c, & c.'

8. It is evident therefore that the Collector had only to discontinue the assessment or collection, according to circumstances, and that the intention of Government would have been fulfilled without any public and general notification, until it should have been deemed proper to rescind or modify Regulation XV, 1810 by the enactment of another regulation, which would then be of course promulgated in the usual manner.

9. On this point I am directed to observe, that the Governor General in Council conceives that few, if any occasions can arise, requiring the Collectors to issue general publication. In cases in which such publication may be requisite it appears to Government advisable, that they should be prepared and previously submitted by your Board to Government according to the nature and circumstances of the case for approval. The Governor General in Council desires that these sentiments may be made generally known to the Collectors subject to your authority.

I have & c.

G. Dowdeswell

Fort William
the 3rd December 1811

Secretary to Government
Revenue Department

II.5. *Advocate-General to Government*

8.1.1812

G. Dowdeswell Esq.,
Secretary to Government,
Revenue & Judicial Department

Sir,

I have been applied to by Mr. Thackeray the Collector of the 24 Pergunnahs to state my opinion as to his right to distrain the goods of European subjects of His Majesty residing in the Mofussil out of Calcutta within his department for the non-payment of the house tax lately imposed by the 15th Regulation of 1810.

2. If such subjects of His Majesty throughout India had not been made subject to the Supreme Court of Judicature established by the king in all civil and criminal suits I should have no difficulty in deciding that he had authority to do so, upon the ground that every man in subject to the law and government of the place in which he lives. But as his Majesty's European subjects have been made answerable in all matters to those courts and as the regulations which have been sanctioned by the king in parliament have been adverted to as made and to be made for the native inhabitants of India and such other persons as are subject to the provincial courts which the European subjects are not as I conceive, I have great difficulty in pronouncing that the property of such of His Majesty's subjects can be distrained for the tax in question.

3. As a matter of revenue it might be contended that if in the present instance the house tax should be enforced by distress no action could lie at the suit of the European in the Supreme Court in consequence of the 21 Geo 3.c.70.s.8, it being according to the Regulations of the Governor General in Council; but if the person distrained were to do any act of violence or to kill a man, whilst endeavouring to make the distress, it would then become material to decide upon its legality and how far his property was liable to be affected in that manner by the Regulation.

4. Feeling the great importance of the point I have thought it right to consult with Mr. Fergusson and Mr. Simpson the Company's standing and junior counsel upon it and they are of opinion that the property of European subjects can not be distrained for this tax. This is my own opinion although very serious and bad consequences may possibly flow from their not

being so subject. It may however be removed by the legislature declaring that all European subjects of his Majesty, his heirs and successors shall, without being liable to arrest or imprisonment be subject so far as regards their houses, lands and personal property situated or being in the provinces, to all such regulations as have been or shall be made respecting the customs, taxes and matters of revenue and to the jurisdiction of the provincial courts and magistrates in respect thereof. And from the great difficulty there must always be in setting forth the justification in pleading it is of importance, that in all action to be brought against the Company, any of their servants, or any person or persons acting by or under their authority or under the regulations or in any ministerial or judicial capacity, the defendant or defendants in such suit or action may plead the general issue and give the special matter in evidence for his or their defence, and that the same if conformable to or authorised by the laws of England, the lawful usage and practice of the country courts, or to or by the regulations in matters subject to them respectively, shall be received in all courts as and for sufficient matter of defence in all such action and actions.

I have the honour to be, Sir, & c

Edward Stretal
Advocate-General

8th January 1812

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II.6. Government to Board of Revenue in consequence of the opinion of the Advocate-General

21.1.1812

Ordered that the Secretary write the following letter to the Board of Revenue;

The Board of Revenue

Gentlemen,

I am directed by the Right Hon'ble the Governor General in Council to transmit to you the enclosed extract (Paras 1, 2 and 3) of a letter from the Advocate General and to acquaint you, that on consideration of the legal difficulties which are stated to exist in enforcing payment of the house tax from British subjects residing beyond the local limits of the jurisdiction of the Supreme

Court of Judicature, his Lordship in Council has been pleased to desire that you will instruct the Collector of the 24 Pergunnahs to suspend the collection of the house tax generally in the suburbs of Calcutta.

2. The Governor General in Council has it in contemplation to pass a regulation for abolishing Regulation XV, 1810.

I have & c
G. Dowdeswell
Secretary to Government
Revenue Department
Fort William
the 21st January, 1812

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II.7. Board of Revenue to Government

22.1.1812

The Right Hon'ble Gilbert Lord Minto,
Governor-General-in-Council,
Fort William

My Lord,

We have the honour to submit to your Lordship in Council a letter just received from the Collector of Bhaugulpore.

2. As it has not appeared that the European residents were in any respects implicated in the circumstances which rendered the continuance of the house tax necessary at that station, we apprehend the operation of the late orders on that subject was not intended to extend to them.

We have the honour to be
with respect
R. Rocke & c
Revenue Board
the 22nd January 1812

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II.8. Government to Board of Revenue

27.1.1812

Ordered that the Secretary write the following letter to the Board of Revenue:

(Extract)

9. Under the circumstances referred to in your letter, his Lordship in Council does not deem necessary that the Collector of Bhaugulpore should enforce payment of the house tax from the Europeans residing in that district.

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*II.9. Passing of Regulation VII, 1812, abrogating Regulation XV
1810*

9.5.1812

The Governor-General-in-Council adverting to the letter from the Hon'ble the Court of Directors in the Revenue Department of the 11th September last, is pleased to pass the following Regulation which he directs to be printed in the manner prescribed in Regulation XLI, 1793 to stand as Regulation VII, 1812.

A.D. 1812 REGULATION VII

A Regulation for rescinding Regulations XV, 1810, and IV, 1811, passed by the Governor-General-in-Council, on the 9th May 1812, corresponding with the 28th Bysaak 1219 Bengal era; the 13th Bysaak 1219 Fussly; the 29th Bysaak 1219 Willaity; the 13th Bysaak 1869 Sumbut; and the 26th Rubbi-in-Senni 1227 Higeree.

Whereas Regulations XV, 1810, and IV, 1811, contain provisions for levying a tax on houses in certain cities and towns in the provinces of Bengal, Bihar, Orissa, and Benares; and whereas the Governor General in Council is anxious to promote the ease and convenience of the inhabitants generally of those cities and towns by relieving them from the payment of the above mentioned tax; the following rule has been passed, to be immediately in force in the provinces of Bengal, Bihar, Orissa and Benares.

II. Regulation XV, 1810, and Regulation IV, 1811, are hereby rescinded.

III

CORRESPONDENCE WITH DIRECTING AUTHORITIES IN ENGLAND

III.1. *Revenue Letter from Bengal in the Department of the Ceded and Conquered Provinces*

12.2.1811

(Extract)

39. With the dispatch, from the Judicial Department dated the 24th November last, your Hon'ble Court was furnished with copies of Regulation XV, 1810, entitled 'a regulation for levying a tax on houses in certain cities and towns in the provinces of Bengal, Bihar, Orissa and Benares'.

40. It is with much concern that we acquaint your Hon'ble Court, that the promulgation of that Regulation and the measures taken in consequence by the revenue officer, to carry its provisions into effect, have excited great discontent and resistance to public authority in the city of Benares.

41. We have the honour to transmit to you, a separate number in the packet, a copy of our correspondence on that subject, with the public officers. These papers are recorded for the most part in the Judicial Department; but we prefer noticing them in this place on account of their immediate connection with an arrangement adopted solely with a view to the improvement of the public revenue.

42. The first communication from the Acting Magistrate on this subject is dated the 25th December last, in which he observes as follows: 'The people are extremely clamorous, they have shut up their shops, abandoned their usual occupations, and assembled in multitudes with a view to extort from me an immediate compliance with their demands, and to prevail with me to direct the Collector to withdraw the assessors until I receive the orders of Government.' The subsequent communications from the

Acting Magistrate are of the same tenor. It is not however to be inferred, that the people proceeded to any acts of open violence. Their design appears to have been to oblige the local officers in the first instance and ultimately the Government to abandon the tax, by a pertinacious adherence to the resolution they had formed of abstaining from labour and by the embarrassments which would naturally arise among a very large population from such conduct. It was evident however that while the people continued collected together in multitudes, with minds bent on effecting the object for which they had assembled, little security existed for the tranquility of the city. It was consequently indispensably necessary to adopt the earliest measures practicable for dispersing the mob, if possible by gentle and conciliatory means, but if not by the employment of the military force of the country.

43. With respect to the Regulation itself (as observed in our orders of the 5th ultimo to the Acting Magistrate) 'we did not discern any substantial reasons for the abolition of the tax on houses in the cities and principal towns established by Regulation XV, 1810, and that with those sentiments we further thought that it would be extremely unwise to sacrifice to riot and clamour a tax, the abolition of which was not dictated by any considerations of general policy.'

44. On mature consideration however of the case, it appeared to us that the tax was susceptible of some modifications as calculated to obviate any just grounds of complaint on the part of those classes of the people, who from their situation in life, were most liable to be affected by its operation. We in consequence directed that the people at Benares should be relieved from a contribution to which they were already subject, on account of the pay of chokeydars (watchmen) and the repair of the gateways, which was not paid by the inhabitants of other cities; that not only religious edifices, in the strict sense of that term, but all houses, occupied by religious mendicants, and persons belonging to the orders of devotion should be exempted from the payment of the tax. And lastly that the same exemption should extend to the houses of the most indigent classes of the people. It is scarcely necessary to add that, we hoped that on the promulgation of the foregoing orders, the inhabitants of Benares would show themselves deserving of the indulgence proposed to be extended to them by the relinquishment of their seditious designs and by a just submission to public authority.

45. After the foregoing review of the origin and progress of the illegal combination at Benares, it is with the highest satisfaction that we draw the attention of your Hon'ble Court to the letter from the Acting Magistrate dated the 28th January last, from which it appears that the populace had dispersed and had yielded an unqualified submission to the authority of Government and its officers. This happy effect is ascribed in a considerable degree to the influence of the Rajah of Benares, and of some other individuals of wealth and character at that city, on whom as will appear more particularly from the orders passed by us on that subject, we have accordingly conferred suitable marks of distinction and approbation.

46. The illegal combination formed at Benares being thus terminated, the trial of the delinquents will proceed in the ordinary course, and the modifications of the tax which it may be proper to adopt, will be discussed through the proper and regular channel of the Board of Commissioners and Board of Revenue. But we cannot close our report on this subject, without noticing the extreme circumspection necessary to be observed in establishing new taxes among the people, whose civil and domestic usages are so closely interwoven with their religious rites, and who are so particularly sensible to any innovation or departure from established custom.

47. With this sentiment we were strongly impressed, when we proceeded to the consideration of the best means of improving the public resources in consequence of some late instructions from your Hon'ble Court. To tax without exciting in some degree complaint or discontent can seldom be the lot of any government, but a tax on houses appeared to us as little liable to create any particular or well founded dissatisfaction as any impost which could be devised, *1st*, because it had long been established in the city of Calcutta and *2ndly*, because this particular species of tax was by no means unknown under the late native Government.

48. It is scarcely credible that the amount of the tax should have been considered a serious burden by any description of people, excepting perhaps the most indigent, some of the religious orders, and individuals who with very scanty means had come from religious motives, to pass the remnant of their days at the city of Benares.

49. Still however we perceive a dangerous and almost universal combination formed against the tax, and consequently

against the authority of Government; the influence of the Brahmins, Faqueers and other employed to excite the people to resistance; the authority of the local officers openly contemned; and no means left to Government, but the employment of the military force of the country to enforce its orders and regulations.

50. The timely submission of the people has happily rendered it unnecessary actually to resort to the last mentioned measure; but when we reflect on the spirit which appears to have actuated the people and to the very serious consequences which might have arisen had the troops been actually employed on this occasion, we are irresistibly led to the conclusion, that no branch of the administration requires more prudence and circumspection, and above all, a more accurate knowledge of the real temper and character of the people of this country than the imposition of new taxes. It is scarcely necessary to add that we shall uniformly keep these principles in view in deciding on any arrangements of this nature, which may in future fall under our consideration, and we can not suppress the expression of our hopes that they may be equally attended to by succeeding governments, or any other authority on whom the delicate duty of imposing new taxes may devolve.

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III.2. Judicial Letter from Bengal

29.10.1811

(Extract)

62. We are concerned to inform your Hon'ble Court that some disturbances have occurred at Bhaugulpore, originating in the resistance of the people to the collection of the house tax established by Regulation XV, 1810.

63. The assessment having been conducted the Collector was directed by the Board of Revenue to proceed to the collection of the tax accordingly.

64. Some indication of resistance to the authority of the Collector in the performance of that duty having been manifested by the community, the Judge and Magistrate most injudiciously directed the Collector to suspend the collection of the tax, chiefly on the ground, as we understood the order, that the collection of it had not been commenced at the cities of Patna and Moorshedabad.

65. The Magistrate having been directed to withdraw that order, and the Collector having again proceeded to the discharge of the duty reposed in him with respect to the collection of the tax, he was assaulted and wounded by the populace. It appearing to us on receipt of that intelligence that the outrage thus offered to the Collector and in his person to the Government, was to be traced to the injudicious order above noticed; we for that and the other considerations noticed in our proceedings, deemed it necessary to suspend the Judge and Magistrate from the discharge of his public duties, and to depute an officer of greater firmness and activity to take charge of that appointment. In the meantime however we received information as will appear from the letters, transmitted to you a separate number in the packet, that the authority of Government had been fully re-established in Bhaugulpore, and that the collection of the house tax had been effectually enforced. Under that change of circumstances, we deemed it sufficient to direct the Register to take charge temporarily of the office of the Magistrate. It only remaining at present for us to pass final orders on the conduct of the Magistrate, which we shall consider with the indulgence which we should always be disposed to extend to mere errors of judgement or even want of firmness, when not originating in any improper motive.

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III.3 Revenue Letter from Bengal

14.12.1811

(Extract)

101. On the same date we took into consideration the expediency of abolishing the tax on houses established by Regulation XV, 1810, your Hon'ble Court was fully informed in our Despatch from the Revenue Department (Revenue Consultations 17th September 1811) of the 12th February last, of the disturbances which had occurred on account of the tax in the city of Benares. Since that period, the Board of Revenue had submitted a statement showing the amount of the assessment in those towns, where the assessment had been completed. From that statement it appeared quite clear, that the tax could not be an object to Government except at the city and the suburbs of Calcutta. Indeed the whole produce of the tax was only estimated at about

Rs.3,00,000 and subsequently experience has not shown that its produce was materially underrated. Considered therefore as a source of revenue, the pecuniary advantages arising from it to Government was trivial compared with the general dissatisfaction which it has occasioned, the actual opposition which it had excited at Benares and Bhaugulpore, and the apprehensions that the same disposition might manifest itself in similar excesses at other stations. Arguments indeed were not wanting for the continuance of the tax, founded on the necessity of supporting the authority of Government and repressing the spirit of resistance which had been manifested to the exercise of its legitimate powers. The inhabitants of Benares however had long ago yielded an unconditional submission to public authority: and exclusively of that consideration it will be observed, that we neither intended to proceed to the immediate abolition of the tax, nor to extend the benefits of that measure to any places at which (to use the terms of our instructions to the Board of Revenue) 'commotions originating in a resistance to the operation of the tax might exist at the period of the receipt of those orders'.

102. The house tax being established within the city of Calcutta, we did not discern any substantial reasons for exempting the suburbs of the city from its operation. The former is separate from the latter in some parts only by a street and in others only by an imaginary line.

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III. 4. *Revenue Letter from Bengal*

30.10.1812

(Extract)

111. The proceedings of the annexed date contain a report from the Board of Revenue respecting the receipts and disbursements on account of the house tax beyond the limits of the town of Calcutta, which tax for the reasons stated in the 101 and 102 paragraphs (9th May 1812 Paras 40-5 n 114) of our Despatch from the Revenue Department of the 14th December last we had directed to be abolished. The collections are stated at Rs.5,308.5. The disbursements at Rs.16,040.6, leaving a net charge to Government of Rs.10,732.1.10.1

112. We have ordered some arrears to be written off as irrecoverable for the particulars of which we beg leave to refer you to the proceedings of the dates specified in the margin.
(Revenue Consultations dated 28th March 1812, 4th April 1812,
9th May 1812, 15th June 1812, 29th August 1812)

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III.5. *Secret Revenue Despatch to Bengal*

16.9.1812

Our Governor General in Council at Fort William in Bengal

1. We have taken into our consideration the tax on houses in certain cities and towns in the provinces of Bengal, Behar, Orissa and Benares (Disturbances in Benares occasioned by the introduction of the house tax into that city. Regulation XV 1810) levied by you in virtue of a Regulation passed on 6th October 1810, together with the whole of your communication on the subject to the 11th February 1811.

2. This tax appears to have originated with the Committee of Finance (Letter Committee of Finance 27.10.1810 in Revenue Consultations of 1st April 1809) who stated that among 'the various modes of taxation which had been under their consideration the only new impost which appeared proper to be recommended to the attention of Government was a tax upon houses', that it was not unknown to the natives, a tax of the same description having been levied at different times and in diverse places under various names, that it was not necessarily obnoxious to the prejudices of the natives and that rules for its collection similar to those established for realising the assessment, of the town of Calcutta were not likely to give offence or be attended with peculiar hardship.

3. The Committee estimated that the tax on property levied in Benares, Patna, Moorshedabad, Dacca, Mirzapoor, Burdwan, Gya and other large towns in Bengal, Behar and Benares as well as the suburbs of Calcutta might be expected to produce a sum exceeding three lacs of rupees and they stated their opinion that at a future period the tax might be extended

to Furruckabad, Agra, Allahabad and other cities of the Upper Provinces though for the reasons assigned in their letter they did not advise its immediate extension to those places.

4. The promulgation of this tax appears to have excited considerable agitation and we find that it soon assumed an alarming aspect. People of all descriptions assembled in vast multitudes consisting of the inhabitants not only of the town but of neighbouring country. All the shops were shut and business was for many days so much at a stand that nothing except grain was procurable in the city. Numbers intimated a design of proceeding to Calcutta. The endeavours of the Acting Magistrate to allay the irritation and persuade the people to return to their ordinary pursuits and wait the determination of Government proving ineffectual and the public tranquility being endangered, the Acting Magistrate deemed it necessary to call on General Macdonald, the officer commanding the district to prepare for any probable emergency.

5. We deem it most fortunate that the people though clamorous and pertinacious did not proceed to any acts of outrage or open violence and that military coercion was not resorted to, to disperse the assemblage; for we agree with the opinion expressed by Major General Macdonald that if any blood of Brahmins or of religious orders had been spilt, the consequences might have been most serious.

6. On the modifications which you found it necessary to make it is unnecessary for us now to enter in as much as we find from advices recently received that you had determined to abolish the tax in question not only at Benares but also in the other cities and towns in which it had been established.

7. From the manner in which the Committee of Finance have stated that their observation of the house tax in Calcutta had suggested their recommendation for the establishment of a tax upon the houses of all the cities and great towns in Bengal, Behar, Orissa and Benares and at some future time in the Upper Provinces and from your reasonings in consequence it might be inferred that the tax in Calcutta had never occasioned any dissatisfaction among the natives.

8. But on reference to the records of 1789, we find on the contrary that a great dissatisfaction existed among the native inhabitants of Calcutta on account of this tax and that they petitioned Government on the subject. This petition not being entered on the records, as it ought to have been, we do not know

the allegations it contained. But we perceive by a letter from the clerk of the Commissioners to the Government that a number of the native inhabitants of Calcutta having assembled at the Commissioners house several of them were called in on which occasion they observed that they object to 'paying any tax whatever'. (Dated 22.4.1789 General Consultations 24.4.1789) The enforcement of the tax we understand, left a considerable degree of discontent among the natives and that many of them in consequence fixed their habitations without the limits of the town in those places you call the suburbs of Calcutta which you have subjected to the new tax of 1810.

9. Neither the Committee nor yourselves have adverted to two material distinctions between the old and the new tax. *1st* that the tax on Calcutta is levied not for the increase of the revenues of Government but solely for a municipal purpose. That the sum raised by it is disbursed upon the town and the inhabitants derive a benefit in the improvement, of the streets and general healthiness of the place. As an endeavour to conciliate the natives to that tax the Government ordered the monthly accounts of the Commissioners to be published thereby not only showing the people that the money was wholly expended on the purposes for which it was raised but also giving them the means of knowing that it was faithfully and judiciously expended, a point in which it is probable some question had been started. *2nd* that Calcutta is a town governed by British laws and in many respects differing from any other place in Bengal or the contiguous provinces. It is the seat of our chief Government; the inhabitants of the greatest authority and consequence are Europeans: most of the principal houses belong to or are rented by Europeans, all the natives of consideration and property are either immediately or relatively connected with our Government or with Europeans or are descended from persons who at no very distant period have been so connected. With the exception of the persons of the above descriptions the natives of consequence and property are from physical and moral consideration averse to reside in Calcutta. That under European example and influence a tax like the one in question was certainly more likely to be submitted to, in Calcutta, than in any other place.

10. The Moothurfa (or professional licence) one of the sayer collections which were abolished by Earl Cornwallis' Government we conceive can never have been mistaken for a house tax and

in regard to the tax termed Khanashumaree (i.e. enumeration of houses) to which both the Committee of Finance and yourselves refer to show that the natives in that part of India have been accustomed to a tax upon houses, we do not know any trace upon our records. Nor have our enquiries been attended with any distinct information on the subject. There may have existed some trifling or partial tax of this nature for some particular purpose but that there was a general one which might be considered as a precedent for the house tax you levied we cannot admit without more particular information.

11. We deem it extremely unwise to do any thing which by creating irritation and disgust in the minds of a large part of the natives may weaken their confidence in our justice and without dilating on this topic we must observe that your own reflections as expressed in your letter of the 11th February 1811 are most judicious. You say 'you can not close your report on the subject without noticing the extreme circumspection necessary to be observed in establishing new taxes among a people whose civil and domestic usages are so closely interwoven with religious rites and who are so particularly sensible to any innovation or departure from established custom' and you justly observe in another passage that 'no branch of the administration requires more prudence and circumspection and above all a more accurate knowledge of the temper and character of the people of India than the imposition of new taxes'.

12. There is a tax now in existence in the Deccan and the Carnatic which though it may have some affinity with that which you have established is also materially different from it. The tax to which we allude is not regulated by the rent, for their houses and shops are hardly ever rented. It is in some cases called the ground rent of the house, in others the equivalent of a certain number of days labour; in fact it is of the nature of an income tax.

13. Our sentiments on the subject of a house tax at Madras were communicated in paragraphs 63-66 of our letter of 23rd July 1806, copy of which was transmitted to you according to the usual course of correspondence.

14. We must observe however there is this striking difference in the case viz. that the Government of Fort St. George conceiving the town duties to be vexatious had proposed to abolish them and substitute a house tax in place of them. But you in the month of April 1810 impose a heavy string of town duties on the most necessary articles of life and within six months also lay

on a house tax. We desire your particular attention may be given to our opinions as communicated to the Government of Fort St. George in our before-mentioned letter. This letter we presume could never have been seen by the Committee of Finance who suggested the tax or by the Board of Revenue who in obedience to your directions framed the Regulation. And we are concerned to observe that the instructions it contained that the project of the house tax should not be carried into execution without our express sanction must have escaped your recollection when you resolved upon adopting and enforcing the tax in question. To these observations we have to add that the introduction of a new tax should always be preceded by a careful investigation whether or not it was levied under the former governments, whether it was abolished and for what cause or whether it fell gradually into disuse and how long it has been discontinued: for we hold it to be a principle highly important to be kept in view that when the state of the public resources calls for an increase of revenue in India that it is decidedly preferable to seek that increase in the renewal of old than in the establishment of new taxes.

15. There are two points connected with the details of the measures now under consideration which we shall here particularly notice to you and this we do for the purpose of engaging your future circumspection in any cases which may be analogous. The one is the levying of 10 per cent upon shops instead of 5 the general rate upon houses. This appears to be oppressive and vexatious; supposing even that the general rate of tax were judicious, because if the business of the shop were considerable, Government would obtain at 5 per cent its fair ratio of advantage by the increased value of the premises and if the business were trifling the whole profit on the wares which might be vended might not equal the increased rate of the tax. The other point is our observing in the letter from the Collector of Benares dated 26th November 1810 that he expressed his hope that if a faithful account of rents received and paid were furnished 'it would not be necessary for his officers to make any entry in order to ascertain the rate of taxes to be levied by personal surveying of the premises'.

16. We must signify our expectation that the necessity here contemplated as possible may not occur because besides the unpopularity occasioned by the visits of the revenue officers in private houses the peculiar delicacy of approaching to the secluded part of the Indian dwellings must ever be carefully remembered.

17. It remains for us now to express our satisfaction in the judicious, temperate, cautious and firm conduct of our servants at Benares, viz:

Mr Bird the Acting Magistrate whom we mention first as having taken the most conspicuous part,

Major General Macdonald with whose prudence and judgement we are particularly gratified,

Mr Brooke, the chief judge of circuit,

Mr Glyn, Assistant to Mr. Bird,

Mr Salmon, the Collector.

18. We have also to express our approbation of the conduct of the Raja and of the other natives of consequence and influence mentioned to you and are glad to perceive you have distinguished their meritorious services by marks of your favour.

19. We think it necessary upon an occasion on which we have to recommend so particular an attention to the opinions and even to the prejudices of the natives to desire that you will at the same time take every proper opportunity to assert the principle laid down by Lord Cornwallis in his instructions to the Board of Revenue, 11th June 1790, namely 'that the imposition and collection of internal duties has from time immemorial been admitted to be the exclusive privilege of Government', a principle which he fully established and expressly reserved as a right upon the promulgation of the permanent settlement and the abolition of the sayer duties when he emphatically announced in section 8 clause 8 of Regulation I in the year 1793 that 'a full compensation having been granted to the proprietors of land for the loss of revenue sustained by them in consequence of the abolition of them (the sayer duties) he declared that if he should hereafter think it proper to establish the sayer collections or any other internal duties and to appoint officers on the part of Government to collect them no proprietor of land would be admitted to any participation thereof or be entitled to make any claim for remissions of assessment on that account'.

20. In our Revenue letter of 20th May 1799 we observed as follows:

We are naturally led by the consideration of this subject to reflect on the propriety of directing you to turn your thoughts to the present state of the Company's resources and expenses in India particularly those under your more

immediate superintendence. That grand source of Revenue in Bengal namely the land is unalterably placed at a certain amount not to be increased in consequence of any permanent augmentation of establishments how necessary so ever or of any other contingency. Since the completion of this important arrangement so highly beneficial to the proprietors of landed property the adoption of certain military arrangements has considerably increased the amount of the permanent charges and various circumstances rendering an augmentation of the native troops and the introduction of several additional regiments of his Majesty's, necessary to the preservation of our dominions have swelled our military disbursements to an enormous amount; the means of defraying the additional expenses without adding to the Company's debts deserve your attention. From the before mentioned arrangement for fixing the tribute from the land and from the several judicial institutions which followed for the security of private rights and property and individual protection which latter were effected at an expense to the Company of upwards of 34 lacs of rupees per annum, we have every reason to believe that the inhabitants of our provinces are in general experiencing, an unexampled and increasing degree of prosperity and happiness. When such blessings to a country are derived from the wise and salutary measures adopted by the protecting power it is natural to expect that those in the enjoyment of them should contribute to its preservation on which their own is so intimately involved. The increase of wealth, commerce and population evidently flowing from the above arrangement must naturally suggest to you who are on the spot, the modes in which the public might be brought to contribute towards the exigencies of the state. The customs, the stamp duties and the tax on spirituous liquors we understand may admit of considerable improvement either in the mode of collection or by the variation of the rates, and other resources of revenue may probably be devised without injury to the state, oppression to the people or violations of the principles on which the permanent settlement of the lands was made. We therefore recommend this very important subject to your most serious attention.

21. The extent of the sacrifices of revenue and the heavy charges which were incurred upon the introduction of the permanent settlement of the land revenue and the judicial system,

the accumulating expenses attending those arrangements and the long continuance of internal peace and prosperity in the provinces of Bengal and Behar arising in a general measure out of the burdensome wars in which we have been involved in other parts of India will warrant us fully in calling upon our native subjects to contribute to the relief of the state, now heavily expressed by a great load of debt, incurred by those wars, and which we had only contemplated as a contingency to be provided against in our letter of May 1799. The stamp duty established by you appears to be a measure well calculated to improve our revenues, and we have therefore read with great satisfaction in your Revenue Consultations of the 9th October 1806 that whatever has been received under this head in the Conquered Provinces (where the Regulation requiring the issue of stamp paper had not then been promulgated) 'is you suppose to be ascribed to individuals entertaining an opinion that the stamped paper gives great validity to documents of the above kind than if they were written upon plain paper'.

22. With this opinion of your Board of Revenue before us, and without any observations from you upon the subject we are unable to conjecture what were the reasons which induced you to except from the stamp duties the receipts upon all payments to or from Government thereby restraining its operation where it might have been made considerably productive. If this should have proceeded from an opinion that it was advisable to introduce the measure gradually we have only to express our hope that you may soon consider yourselves at liberty to remove the restriction we have alluded to, and that when you shall have done so, you will make it the means, rather in the shape of regulation than of tax, of procuring for the ryots and undertenants the security of pottahs, which though required under the regulations that were established at the time the permanent settlement was promulgated, have not we apprehend been generally conveyed to them.

23. As at no distant period it may be found necessary to look at some other source for augmenting the public revenue, we recommend that your attention may be particularly directed to the best mode for introducing a duty upon Betel Tobacco to operate throughout the provinces under your presidency, and to be calculated upon a principle as moderate as may be deemed consistent with the object of its imposition and at all events not to bear heavily on the consumer. These articles may properly be classed under the denomination of intoxicating drugs. They are of such general consumption that like salt they may be

considered to be necessities of life, and therefore it may be supposed that under proper regulations they might in time be brought to yield a considerable revenue.

24. The realisation of an increased revenue from the above mentioned articles, either by a monopoly or the imposition of a duty, is a subject to which we particularly called the attention of the presidency of Fort St. George in our Revenue Despatches to that Government of the 28th August 1804 and 23rd July 1806. We have also more recently conveyed to the Madras Government in a letter in the same department of date the 24th April 1811 our sentiments on this subject on the occasion of taking into our consideration their proceedings since the year 1806 with reference to the object in question. We are desirous that you should apply to the Government of Fort St. George for a copy of the correspondence here referred to as well as for a copy of their proceedings connected therewith, as they may prove useful to you, more particularly the reports of the Collectors on any measures which you may deem it expedient to adopt for adding to the public resources by an extended system of taxation with respect to betel and tobacco. We are perfectly aware that difficulties may exist under your presidency, as well as in the territories on the coast as to the general application of any uniform measure with a view to that object throughout the possessions subject to your immediate authority. A modification of principle and in some cases a complete difference of system may be necessary in order to adapt and accommodate itself to local circumstances and peculiarities from a due attention to which we might hope that in the course of time you may be enabled to exempt from the town duties not only rice, wheat and barley upon which article you have very properly abstained from enforcing that duty but that in the event of the proposed duty on betel and tobacco being generally established you may be able to exempt those articles also from the operation of the town duties.

London,
the 16th September 1812

We are
Your affectionate friends,
Hugh Inglis [and others]

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III.5 (1-5) Correspondence between Court of Directors of the East India Company and Board of Commissioners for the Affairs of India regarding the Secret Revenue Despatch to Bengal dated 16.9.1812 pertaining to the House Tax.

III.5 (1) *Board to Court*

India Office,
Whitehall,
15th June 1812

(Extract)

I am directed by the Commissioners for the Affairs of India to return the Bengal Secret Revenue draft, No.218 with alterations and additions.

Many of the alterations which the Board have made therein are verbal: but there are several which require some explanatory observations. The first of these is in the omission of paragraphs 18 to 20 and part of 21: and the substitutions of four others, which leave out altogether the instructions contained in the 18th cancelled paragraph of the Court, directing the Bengal Government to consider 'whether the whole or a part of the sayer duties might not be restored'. These duties, though abolished previously to the permanent settlement of the lands, have been since re-established on modified principles. The Board here particularly refers to the Government customs inland, the town duties and the abkarry revenue, as at present existing, which they consider to constitute material branches of the old sayer collections.

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III.5 (2) *Board to Court*

Whitehall,
14th August 1812

Sir,

I am directed by the Commissioners for the Affairs of India to request you will return to me Draft No.218 which was forwarded to you from this office on the 15th June last together with the letter that accompanied the same, it being the wish of the Board to make some alterations therein.

I have the honour to be & c
John Bruce

To:

W. Ramsey Esq.

III.5 (3) *Letter from Mr.Ramsey*

Mr. Ramsey presents his compliments to Mr. Bruce and, in consequence of his letter of the 14th instant, returns him Draft No.218.

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III.5 (4) *Board to Court*

Whitehall,
20th August 1812

Sir,

I am directed by the Commissioners for the Affairs of India to acknowledge the receipt of the returned Draft No.218 of the last season, and to remind you that the letter which accompanied it on the 15th of June last has not been returned.

I am, Sir & c
William Ramsey Esq. Thos Per Courtenay

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III.5 (5). *Commissioners for the Affairs of India to the East India Company regarding changes in the draft of the Secret Revenue Despatch to Bengal of 16.9.1812.*

India Office
Whitehall,
9th September 1812

Sir,

I am directed by the Commissioners for the Affairs of India to return you the Bengal Secret Revenue Draft No.218, with alterations and additions, as finally approved by the Board, several of which are verbal only; but there are others, which require some explanatory observations.

The first material alteration is the omission of paragraphs 4-6, the latter part of para 7, paras 8-10, paras 12-24. The Board have omitted the paras in question, in consequence of the information contained in the Bengal Revenue Despatch of the 14th December last, and which has reached England since the Draft was prepared, and has noticed the intention of the

Supreme Government to abolish altogether the house tax, except in the city and suburbs of Calcutta. This has, in the opinion of the Board superseded the necessity of entering so much into detail with respect to the proceedings which occurred at Benares on the establishment of the tax in that city, as might otherwise have been requisite, and it also renders several of the paras, here referred to, now inapplicable written as they were under the impression that the impost was still levied.

The Board have also omitted the latter part of the paragraph 16, as being rendered unnecessary by the passage immediately preceding that cancelled; in lieu of which they have substituted a passage, which is little more than a transposition of what has been expunged in para 19 and 20 on the importance of duly attending to the habits and prejudices of the natives in the introduction of new taxes.

The addition to paragraph 17, referring to the Court's sentiments, as signified to the Government of Fort St. George, with respect to a house tax, within the territories subject to its authority, is also in great measure a transposition of the first part of the paragraph 21, which has been expunged.

The Board's reason for having omitted the part of paragraph 18, directing the Bengal Government to consider 'whether the whole or a part of the sayer duties might not be restored' is, that these duties, though abolished previously to the permanent settlement of the lands, have since, in some instances, been re-established on modified principles. The Board particularly refer to the Government Customs Inland, the Town Duties, and the Abkarry Revenue. The remaining part of the paragraph in question, relative to the imposition of new taxes, has been inserted at the end of paragraph 21.

It has further been thought proper by the Board to cancel the 28th paragraph, so as to leave it to the free discretion of the Government abroad, to restore or not the Phatuckbundee, as they may see fit.

The heavy expenditure attendant upon the system of internal administration under the Bengal presidency which induced the Court of Directors to prepare the paragraph that has been expunged respecting the sayer duties has led the Board at the end of the draft to call the attention of the Governor General in Council to the policy of realising an additional revenue by an extension of the stamp regulations in the manner proposed in those paragraphs, and by the adoption of an extended system of

taxation with respect to betel and tobacco. These are articles of luxury and of general consumption, and a small duty upon them, operating throughout the provinces, might, under proper regulations, be gradually improved into a very productive source of revenue. The Board express themselves with the more confidence upon this subject in consequence of the opinion recently conveyed by the Government of Fort St. George in their Revenue Letter of the 29th February 1812, wherein, adverting to the contingency of remissions becoming necessary under the system of village leases, they observe that 'whatever may be the amount of those occasional remissions, the reinstitution of the licences for the sale of betel and tobacco' which, as they state, 'was in the opinion of Col. Munro relinquished without any adequate reasons, would certainly produce a revenue more than sufficient to cover these eventual remissions'; and they add that they had in view the immediate re-establishment of them.

I have the honour to be, Sir,
Your obedient, humble servant,
To Thos. Per. Courtenay
W.Ramsey Esq.

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III.6. *Two of the original paragraphs of the Court of Directors expunged by the Board of Commissioners in Secret Revenue Draft No.218. (Original draft ends with paragraph 28 which suggests restoration of Phatuckbundee as existing previously. Original draft is dated 23 May 1812.- Editor)*

23.5.1812

Having most attentively and seriously deliberated upon the whole of the subject as you must be convinced from the present discussion we should have felt inclined to direct the abolition of the house tax. But from an apprehension we entertain that this measure might be mistakenly considered as originating in a disposition on the part of your Government to yield to the influence of popular clamour, and that of thus exciting in the minds of the natives an expectation of still further concessions, we might at length be called upon to relinquish entirely the very principle of taxation, by which we looked for an augmentation of our resources by the institution of duties upon such articles as might

from time to time be thought to afford a fair prospect of revenue, without their being felt as oppressive by the native inhabitants. We are willing therefore to hope that under the modifications which you had it in contemplation to adopt, calculated in your opinion to obviate any just ground of complaint against the house tax, the same has, since the date of your letter of the 12th February 1811, been quietly collected: but if notwithstanding these modifications, the house tax shall have continued to be obnoxious to the feelings and prejudices of the natives and productive of further dissatisfaction and clamour, we think you ought to adopt the most speedy measures for its repeal, and which you think it will be possible for you to carry into execution, without compromising in too conspicuous a manner the authority of Government.

This consideration has alone restrained us from giving more positive orders upon this subject, since we think that this is one of those cases where the general opinion of the authorities at home being known, the execution of that opinion must be committed to the hands and to the discretion of the local administration of India.

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III.7. Revenue letter from Bengal: Secret Revenue

28.2.1815

(Extract)

4. In the above mentioned Despatch, your Hon'ble Court appears to have had two distinct objects; first, to record your sentiments on the tax on houses which had been established in the year 1810, but which has been since abolished; and secondly, to state such suggestions as had occurred to you for the improvement of the public resources.

5. With regard to the former point, it cannot be in any respect necessary for us to defend a measure of the preceding Government: still however the observations of your Hon'ble Court suggest some reflections which we would wish to offer for your consideration.

6. A tax on houses is certainly nothing less than novel in the general history of taxation. In this country it did not violate any acknowledged right of the natives, or offend any of their religious or civil usages. Some dissatisfaction will always be

experienced from the operation of new taxes; but it is impossible, judging a priori, to foresee in what mode such dissatisfaction will manifest itself, or to what extent it may be carried. Considering the question in this point of view, the consequences, which arose from the tax on houses, were such as in our apprehension no human prudence could foresee, and such as may be again experienced from any measures, the tendency of which is to convert part of the private wealth of individuals into a public resource for the state. But your Hon'ble Court are both too enlightened and too equitable to judge of any arrangement of that nature merely from the event. We do not mean by these remarks, to question the propriety of the abrogation of the tax in question. On the contrary we think that it was wisely repealed, not because it infringed any established principle of taxation or violated any of those local usages, to which it is so essential to attend to in this country; but because the produce of it was not actually worth contending for through so much heat and irritation: It had only been estimated by the Committee of Finance at Rs.3,00,000 per annum and there were grounds to believe, that the net revenue would have even fallen short of that sum.

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SOURCES OF DOCUMENTS

India Office Records

1. Board's Collections, F/4/323, Collection No. 7407 Documents I.A.1. to I.A.19 and III.1 and 2.
2. Bengal Criminal Judicial Consultations Range 130 vol. 27 No.2 of 11 January 1811 and No. 17 of 18 January 1811: Documents I.B.1 and 2, I.C.1 and 2.
3. Bengal Criminal Judicial Consultations Range 130 vol 29 No. 39 of 22 February 1811, No.63 of 6 March 1811 and No.3 of 6 March 1811: Documents I.A.20 to I.A.24, and I.D.1 to I.D.2.
4. Bengal Criminal Judicial Consultations Range 130 vol 39 No.3 of 15 October 1811 and No. 39 of 29 October 1811: Documents I.E.3, I.E.5 to I.E.12, and I.E.15 and 16.
5. Bengal Criminal Judicial Consultations Range 130 vol 40 No.3 of 12 November 1811 and No.13 of 19 November 1811: Documents I.E.13 and 14, I.E.17 to I.E.21 (a).
6. Bengal Criminal Judicial Consultations Range 130 vol.45: Documents I.E.24 and 25.
7. Bengal Criminal Judicial Consultations Range 130 vol.48: Documents I.E.26 and 27.
8. Bengal Revenue Consultations Range 55 vol. 44 No.3 of 15 October 1811 and No.6 of 29 October 1811: Documents I.E.1 to I.E.2 (a), I.E.4, and II.1 to II.3.
9. Bengal Revenue Consultations Range 55 vol. 45: Document II.4.
10. Bengal Revenue Consultations Range 55 vol. 47 No.4 of 13 January 1812, No.1 of 21 January 1812 and No.13 of 27 January 1812: Documents I.E.22 and 23, and II.5 to II.8.
11. Bengal Revenue Consultations Range 55 vol. 50 No.37 of 16 May 1812: Document I.A.25.
12. Bengal Civil Judicial Consultations Range 148 vol. 75 No. 24 of 9 May 1812: Document II.9.
13. L/E/3/17 (for Bengal Revenue Letter of 14 December 1811): Documents III.3.
14. L/E/3/18 (for Bengal Revenue Letter of 30 October 1812): Document III.4.
15. L/E/3/19 (for Bengal Secret Revenue Letter of 28 February 1815): Document III.7.

16. L/F/442 (for Secret Revenue Despatch to Bengal of 16 September 1812): Document III.5.
17. F/3/26 (for Board-Court Correspondence about Secret Revenue Despatch to Bengal dated 16 September 1812): Documents III.5 (1-5) and III.6.

West Bengal State Archives

Bengal Judicial Criminal Proceedings: 8 February 1811:
Original Consultations No. 6: for extracts from petition on
pages 18-19.

GLOSSARY

(Most of the following explanations have been taken from H.H. Wilson's *A Glossary of Judicial and Revenue Terms*, published in 1855. Others are based on the present writer's own understanding of them)

<i>Abkarry:</i>	Revenue from duty on intoxicants, etc.
<i>Amlah:</i>	The collective head native officers of judicial or revenue court under the European judge or collector.
<i>Bazars:</i>	Shopping areas, markets.
<i>Bunds:</i>	Widespread non-cooperation and resistance to government, particularly in Maharashtra
<i>Brahmins:</i>	Hindu caste of scholars, priests and ascetics.
<i>Cherucoons:</i>	Chief peons
<i>Chokeydars:</i>	Watchmen.
<i>Choudries:</i>	Heads or representatives of areas or groups.
<i>Chubootra:</i>	Place where the head of the police is usually stationed; a police office or station.
<i>Chunam:</i>	Lime
<i>Clashy:</i>	A tent-pitcher, a matross.
<i>Cooley:</i>	Labourers
<i>Coss:</i>	A distance of about 2 miles.
<i>Cutcherry:</i>	A law court; a place where any public business is transacted.
<i>Cutwall:</i>	Chief officer of police for a city or town.
<i>Cutwally:</i>	Office of a <i>Cutwal</i> .
<i>Dhurm Puttree:</i>	Communication binding the recipients by a religious oath to join or conform to some commonly arrived decision.
<i>Dhurna:</i>	Sitting usually at the door of a house as a protest against some wrong doing by the particular householder. The person or persons protesting were to observe strict

fast and consequently the alleged wrongdoer was expected to fast also and abstain from his usual occupations and amusements.

<i>Dingy:</i>	A passage boat.
<i>Dubass:</i>	A native man of business in the service of a European; one who speaks two languages.
<i>Durkhast:</i>	An application.
<i>Durzees:</i>	Tailors.
<i>Dusserah:</i>	A major Hindu festival celebrated in September or October signifying Rama's victory over Ravana.
<i>Dustucks:</i>	A permit, a passport; also a writ, a warrant.
<i>Faqueers:</i>	A religious mendicant, usually a Muslim by religion.
<i>Gentues:</i>	Hindoos (originally applied to Telugu-speaking people by Europeans).
<i>Gomastah:</i>	An agent; a steward employed to collect rent, money, etc.
<i>Goshains:</i>	A particular Hindu religious order.
<i>Hartal:</i>	Shutting up or closing all the shops of a market as a passive resistance to exaction.
<i>Hujams:</i>	Barbers
<i>Jagirdar:</i>	Holder of an assignment of revenue; in this instance seemingly of a large one.
<i>Jolahirs:</i>	Weavers
<i>Jummabundy:</i>	A statement exhibiting the particulars of the public revenue, its amount and how assessed.
<i>Kahars:</i>	Water-carriers, palankin-bearers, etc.
<i>Khelaut:</i>	A dress of honour.
<i>Kist:</i>	The portion of annual revenue assessment to be paid at specific periods in the course of the year.
<i>Koonbees:</i>	An India-wide numerous Hindu caste of peasants or those engaged in agriculture.

<i>Koor:</i>	Self-immolation as a protest.
<i>Korees:</i>	A caste of growers of vegetables, etc.
<i>Lac:</i>	A hundred thousand (1,00,000).
<i>Lohars:</i>	Blacksmiths (perhaps also applied to manufacturer, of iron and steel who seem to have been fairly numerous and powerful at this period).
<i>Mahajuns:</i>	Merchants and bankers.
<i>Mahrattah:</i>	Originally residents of Maharashtra; in this instance apparently refers to warriors from amongst them living in Benares.
<i>Malgoozaree:</i>	Revenue assessment.
<i>Mehulla:</i>	A locality or a ward in a town or city.
<i>Mistrees:</i>	Mechanics
<i>Mofussil, mofusil:</i>	Usually used for non-urban areas.
<i>Mohullahdars:</i>	Government appointed persons responsible to the police for providing information about the respective <i>mehullas</i> .
<i>Moosuddies:</i>	Writers, clerks; in this instance seemingly assessors or collectors of tax also.
<i>Mujlis:</i>	An assembly.
<i>Mullahs:</i>	Boatmen.
<i>Naib:</i>	A deputy.
<i>Nazir:</i>	A supervisor, or officer of court charged with the serving of process, etc.
<i>Nizamut affairs:</i>	Department of police and criminal law.
<i>Peons:</i>	Footmen foot soldiers; inferior officers of police or customs, or courts of justice.
<i>Pergunnahs:</i>	A demarcated area of many villages several of which went to constitute a <i>chakla</i> or <i>zila</i> , i.e. a present-day district.
<i>Perwannahs:</i>	Orders, written precepts, permits or passes.
<i>Phatucks:</i>	City or <i>mehulla</i> gates.
<i>Phatuckbundee:</i>	Contributions for the expense of looking after the <i>phatucks</i> , i.e., watch and ward of the city.

<i>Punch:</i>	Council of any caste, group, or area.
<i>Pottahs:</i>	A document specifying the conditions under which land is held by a tenant, etc.
<i>Rajpoots,</i>	
<i>Raujpoots:</i>	A warrior caste amongst the Hindus.
<i>Ryots:</i>	Peasants.
<i>Sayer:</i>	Sources of revenue other than agricultural land.
<i>Shastra:</i>	Scripture, works of authority.
<i>Sooltauns:</i>	Kings.
<i>Syce:</i>	Driver of a horse-carriage, a coachman.
<i>Tallua Nallah:</i>	Name of a locality in Benares.
<i>Talook:</i>	An estate, including many villages.
<i>Tahsildar:</i>	Government officer incharge of a <i>tahsil</i> (part of a district) for revenue and law and order functions.
<i>Thannahdars:</i>	Officers incharge of <i>thannahs</i> (police stations); also employed in enforcing payment of government revenue.
<i>Traga:</i>	Self-immolation as a protest.
<i>Urzee, arzee:</i>	Representation; a petition.
<i>Vakeel:</i>	A lawyer; in this instance a government pleader.
<i>Zillah:</i>	A district.

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DHARAMPAL: LIFE AND WORK

Born in 1922, Dharampal had his first glimpse of Mahatma Gandhi around the age of eight, when his father took him along to the 1929 Lahore Congress. A year later, Sardar Bhagat Singh and his colleagues were condemned to death and executed by the British. Dharampal still recalls many of his friends taking to the streets of Lahore, near where he lived, and shouting slogans in protest.

Around the same period, there were excited discussions, especially in school, about whether the British should leave India. Some were against *swaraj* because they feared invasion of the country by Afghan tribesmen and others. With many others his age, Dharampal tended more and more towards the *swaraj* option. Though he underwent western education throughout school and college, his animosity to British rule grew year by year. By 1940, he had started to wear *khadi* regularly—a practice he follows even now—and even tried to take to spinning the *charkha* for a while.

In 1942, he was present as a fervent spectator at the Quit India Session of the Congress in Bombay and he thereafter joined the Quit India Movement. He was active in it till he was arrested in April 1943. After two months in police detention, he was released but exiled from Delhi.

Dharampal recalls he was one of countless people who believed that once the British were gone, India would be rid of its misfortunes, particularly its state of disorganisation and impoverishment.

In August, 1944, he was introduced to Mirabehn by his friends. He joined her soon thereafter, at what came to be known as the Kisan Ashram, situated midway between Roorkee and Haridwar. He stayed with Mirabehn, with occasional absences in Delhi (1947-48) and England (1948, 1949) till about 1953 when she retired, first to the Himalayas, and a few years later, to Europe. But the contact stayed. Dharampal met her again for the last time in July 1982 in Vienna, about two weeks before her death. On that day, they talked together for some 6-8 hours in the quiet of the Vienna woods.

Earlier, during 1947-48, Dharampal had come in close contact with Kamaladevi Chattopadhyaya, Dr. Ram Manohar Lohia, and with numerous younger friends in Delhi. He was then associated with an attempt at cooperative rehabilitation of refugees from Pakistan. (He was a member of the Indian Cooperative Union which was founded in 1948 with Kamaladevi as its president.)

The following year, while in England, Dharampal got married to Phyllis who was English. Afterwards, they both decided to live in India. On their way back, they spent some time in Israel and visited a few other countries as well. In 1950, the community village of Bapugram in the Pashulok area, near Rishikesh, began to be formed. Dharampal and

Phyllis lived in it till 1953. He returned to England with his family in 1954.

He was back in Delhi again from early 1958 to 1964 with his wife, son and daughter. He now took up the post of General Secretary of the Association of Voluntary Agencies for Rural Development (AVARD); Kamaladevi was its first president. Soon thereafter, Jayaprakash Narayan agreed to be the president of AVARD. (He remained president till about 1975.)

For about two years (1964, 1965) Dharampal worked with the All India Panchayat Parishad (A.I.P.P.) as Director of Research and spent more than a year in Tamilnadu collecting material that was later published as *The Madras Panchayat System*. Earlier, in 1962, he had already published a smaller book containing the proceedings of the Indian Constituent Assembly relating to the discussion on the subject of "The Panchayat as the Basis of India's Polity".

From Madras, for family reasons, Dharampal once again moved to London in early 1966. His son had met with a serious accident.

By then he was also keen on a detailed study of the Indo-British encounter during the 18th and 19th centuries. This time he stayed on in London till 1982, but visited India in between. In England, he did not have much of an income. There was also a family to support. But notwithstanding all this, he became a regular visitor to the India Office and the British Museum and spent most of his time poring over the archives. Photocopying required money. Oftentimes, old manuscripts could not be photocopied. So he copied them in long hand, page after page, millions of words, day after day. Thereafter, he would have the copied notes typed. He thus retrieved and accumulated thousands of pages of information from the archival record. When he returned to India, these notes—which filled several large trunks and suitcases—proved to be his most prized possessions.

From around 1958, Dharampal had developed an association with Sevagram, especially because of Annasaheb Sahasrabudhe. He spent around a month in Sevagram in 1967, where he did his first writing based on the 18th-19th century data he had collected. His next long stay in Sevagram was from December (1980) to March (1981) when he completed *The Beautiful Tree*. From around August 1982 to 1987, he was mostly in Sevagram with occasional sojourns in Madras.

Dharampal was president of the Patriotic and People-Oriented Science and Technology (PPST) group. He was also closely associated with the Centre for Policy Studies located in Madras.

His wife died in London in 1986.

From 1993, he has been living largely at Ashram Pratisthan in Sevagram.